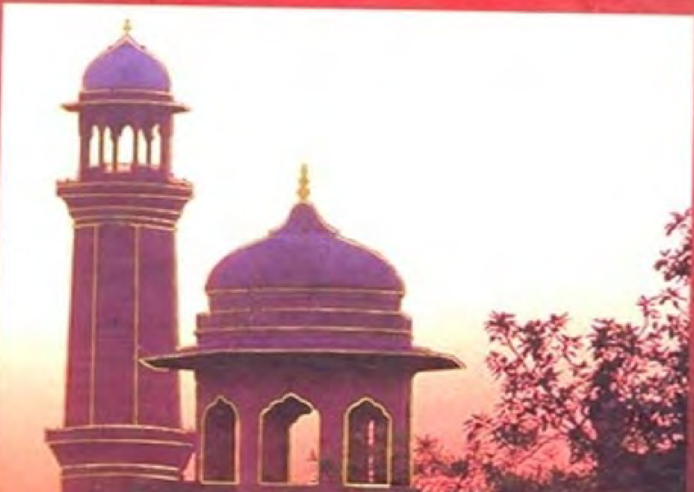


The Principles and Codes of Law in *Hanafi Fiqh*

By:

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(May Allah Protect him)

ZAM ZAM PUBLISHERS

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THE PRINCIPLES AND CODES OF LAW IN HANAFI FIQH

by

Hadhrat Moulana Ashraf Ali Thaanwi
(rahmatullah alayh)

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Preface:

Few words about Hadhrat Moulana Ashraf Ali Thanwi (A.R) (1280 – 1362 / 1864 – 1943 – India)

He was responsible for academic and religious revival in India. One who dedicated his entire life for upliftment of the understanding of Islaam. Born in 1864 (1280) of the lineage of Hadhrat Umar ibn ul Khattab, in Tana Bawan.

He grew up in a pure religious environment. Memorised the Quraan e Kareem and completed most of the Islaamic sciences at a very tender age. Shy by nature, not inclined to play and found performing Tahajjud at the age of 12. At the age of 15 he travelled to Darul Uloom Deoband to study under Moulana Mahmood ul Hassan (A.R), Moulana Yacqooub Nanotwi (A.R), Moulana Qasim Nanotwi (A.R) and Moulana Sayid Ahmad Dehlawi (A.R). He spent 5 years and did not even accept meal invitations from relatives.

He debated with Hindus and Christians but later avoided all. Completed studies in Deoband in 1884 (1300). He proceeded on the advice of his teachers to Al Fayd Al Aam in Kanpur Jami ul Uloom from which many renown scholars eminated.

He wrote about a 1000 books. He wrote on Tafseer, Ahadeeth, Fiqh, Aqeedah, Tasawwuf, Dawah, General Guidance, Dhikr, Seerah. His talks have been published in 20 volumes stretching over 600 pages per volume. His explanations were simple and clear.

He took allegiance at the hands of Haji Imadadullaah al Makki. He performed Hajj in 1892 – 93 (1310) and stayed with his Shaykh for 6 months.

He is regarded by many as the true revivers of valid Tasawwuf. He expanded the pure essence of Tasawwuf without extremism.

He stayed in Kanpur for 14 years. He returned to Thana Bawan until demise in 1943 (1362) as head of his Shaykhs Khanqah.

He did single handed what organisations academics, institutions and groups could not do (for much more information see “Muslim scholars of the 20th Century” by Shaykh Shuayb Ahmed P128 – 132)

About the Book.

The book “The Principles and Codes of law in Hanafi Fiqh” is a good summary compiled by Moulana Muhammad Zahid Mazhari Nadwi.

From the first chapter commencing with “What is Fiqh?” till the end of the 5th Chapter is technical, tedious and difficult reading especially designed for the benefit of the Ulema. From the 6th Chapter starting from “The definition of Sunnat” is excellent material for the non – scholars.

Our humble suggestion is that the 1st part should be studied by Ulema in group so that subsequent, immediate, discussions, deliberations and inter actions may ensure whilst the second part should be taught by the Ulema to the non – scholars by rendering further explanations.

The depth, intensity, extent, insight, foresight and vastness of the Ilm and understanding of the Deen possessed by Hadhrat Moulana Ashraf Ali Thanwi (A.R) shines like daylight in this wonderful compilation.

We make duaa Allaah Jalla Majdahu grants us proper understanding of Deen and ability to practice.

A. H. Elias (Mufti)
1427 - 2007

CHAPTER ONE

What is Fiqh?

Fiqh is the understanding and comprehending of the object of *nusoos* (text). This is something which Allaah Ta'ala had bestowed the pious predecessors with. Imaam Abu Hanifah, Imaam Shaafi (rahmatullah alaihima), etc. were Imaams because of **their deep understanding of this knowledge.** All the Aimmah-e-Mujtahiddeen excel in this quality and field of knowledge. None (in present times) can ever match them. The question of who is the best

of them all should never arise. This discussion should never emerge from our mouths. **We are not qualified to grade the Aimmah-e-Mujtahiddeen, because it is beyond our limitations.** Secondly, we do not know the proper limits and in lauding the one we are bound to degrade the others.

The Definition of Fiqh

Imaam Sahib (rahmatullah alayh) has defined Fiqh as follows: ***"The recognition of the soul (insofar as its objective in life and its journey to Aakhirah)."*** This is a general definition which encompasses both the external (*zaahiri*) and internal (*baatini*). What is then the difference between *tasawwuf* and fiqh? **The predecessors used to combine fiqh and *tasawwuf*.**

Amongst the *salf*, fiqh was not only the knowledge of the *zaahiri* (external factors), in fact, it was the combination of both the *zaahiri* and *baatini* knowledge. This included *tasawwuf* as well.

The reality of Tafaqquh-fi-Deen (in-depth understanding in Deen)

Tafaqquh-fi-Deen (understanding in Deen) is not merely the literal understanding of the words (in the kitaabs). The kuffaar also understand written words. So if the mere understanding would be *Tafaqquh* then the kuffaar would also be amongst the *Ahle Khair* (chosen, good people). The real meaning of *Tafaqquh-fi-Deen* is that **together with understanding the literal import of the words, it is the recognition of its reality, as well.** There are many amongst the Hanafi scholars who qualify. [*ibid. page 387, vol.4*]

Fiqh is amongst the most difficult and delicate from the other faculties and sciences (of Deen)

Moulana Ashraf Ali Thaanwi (rahmatullah alayh) says that in his opinion, **the science of Fiqh is the most difficult.** He also humbly states that he does not have much compatibility with this science. He says it renders him helpless. [*Majaalis Hakimul Ummat, page 330*]

The science of Fiqh is very profound. This is the reason why I do not encourage or compel any student to study other Fiqh kitaabs besides those of the Hanafi Fiqh. [*Ashraful Ma`moolaat, page 9*]

The science of Fiqh is very subtle. I don't fear anything more than when a ruling or *mas`alah* is presented before me (to solve or give a ruling). Many thoughts and possibilities conjure up in my mind. This is the reason why nowadays I refer *fatwas* to others. **Some people are more daring in it (i.e. issuing fatwas), whereas there has to be extreme caution in this.** [*Al-Ifaadhaatul Yoymiya, page 299, vol.8*]

Fiqh is not the mere superficial reading of kitaabs

Fiqh would not be defined as the mere superficial perusing of kitaabs. **Fiqh is a celestial light (*noor*) which subsists in the heart.** It is the blessing of this that the holder thereof gains an understanding of Deen. It is this very *noor* which Allah Ta`ala sometimes snatches away. This is something which is not in the control of man. Now, you can read and study thousands of kitaabs, but **because you have no understanding of the Deen, you will never become a *Faqeeh*.**

This *noor* of fiqh increases with obedience and wanes with sin. **That 'Faqeeh' who is not obedient or pious, is a Faqeeh of the kitaabs**

(and not of the Deen). He is not a *haqeeqi* (real) *Faqeeh* and is not included in the class of *fuqaha* regarding whom Nabi (sallallahu alayhi wasallam) gave glad tidings.

And since we are aware that fiqh is the understanding of the Deen, **what doubt can there now be that a *Faqeeh* is also a *soofi*.** All our *Fuqaha*, as many as there were, were all *Sahib-e-Nisbat* and *Sahib-e-Ma`rifat* (i.e. *Walis* who followed the Path of *Tareeqat*). The proper and total understanding of the Deen cannot be acquired without *nisbat* and *ma`rifat*. This is the reason why it has been mentioned regarding the *Fuqaha*, *"One Faqeeh is harder on shaitaan than a thousand `aabids."* The person who understands the Deen well, will be privy to the deceptions and ploys of shaitaan. He will not allow a single trick to entrap him. As for the unlearned *`aabid*, shaitaan can manoeuvre and manipulate him as he pleases. [*At Tableeghul Hajil Mabroor, page 138, vol.2*]

The rank and acceptance of the Fuqahaa

The truth of the matter is that the rank and status of the *Fuqahaa* is the highest, because they have understood and recognised the specialities and meanings of the Deen, contrary to the *Hukama*, whose knowledge and specialities are only limited to the external body. [*Majaalis Hakimul Ummat, page 197, vol. 2*]

I always maintain that there are **two groups that protect and safeguard the Deen,**

1. **The *Fuqahaa*** and
2. **The *Soofiya***.

The existence of the *Fuqahaa* is a great boon and blessing to the Muslim Ummat.

The Ulama have written that no person knows his status by Allaah Ta`ala, as to whether Allaah Ta'ala intends good for him or not, besides the *Fuqahaa*. Because it is stated in the Hadith,

"That person for whom Allaah intends good, He grants him understanding (fiqh) in Deen."

Someone saw Imaam Muhammad (rahmatullah alayh) in his dream, after his demise and asked him what transpired with him. He replied that when he was presented before Allaah Rabbul Izzat, then Allaah Ta'ala asked him, *"O Muhammad! Ask whatever you wish for."* He responded, *"Forgive me."* He was told, *"If We had not intended forgiveness for you, We would not have blessed you with the knowledge of Fiqh. We have granted you the knowledge of Fiqh because We desired forgiveness for you."* However this does not necessitate safety from any reckoning.

It does not mean that there is absolutely no fear of an evil death for a *Faqeeh*. One should not sit contented with this hope, because if Allaah Ta'ala intends punishment, then He will merely snatch away this knowledge. [*Alhajjul Mabroor, page 138, vol.2*]

It is impermissible to make any criticism on a Mujtahid by means of Usool-e-Fiqh

To avoid *Ikhtilaaf* is difficult. People have formulated laws and rules for its codification (Usool-e-Fiqh), but these laws are not all-encompassing. The example of this is like the laws of Arabic grammar, where the laws have been formulated in order to dissect and understand the formation of sentences. This knowledge is very beneficial. The reason for this codification was not so that the people who speak the language adhere to these grammar laws, or that all aspects have been totally encompassed. These laws were formulated for the benefit of the non-Arabic speaking people, to

assist them in understanding the language and to be able to converse with the Arabs. Hence, if any type of speech is found amongst the Arab-speaking and this is not listed in the laws of grammar, then it will not be said that this speech is incorrect and the people speaking it are wrong, rather it will be averred **that the laws of Arabic grammar which we know are deficient in that it did not encompass this part.**

Similarly, it would not be correct to hold a Mujtahid to the Usools of Fiqh. In fact, it may sometimes occur that a statement or ruling of a Mujtahid does not conform to the Usools, in which case we may say that the Usools of Fiqh are deficient. **Thereafter, it will be said with difficulty that the Mujtahid did not have any (concrete) proof for his ruling.** [*Husn Azeez, page 47 and 354*]

The status and ranking of Usool-e-Fiqh

To prefer one *nass* over another in cases where they are conflicting, is the forte of the Mujtahiddeen. As for the Usools of Fiqh which are listed in the various kutub, these were non-existent (in this form) during the era of the Mujtahiddeen. The latter Ulama had in fact, extracted these from the various rulings of the Mujtahiddeen, in order to save this Ummat from mischief and confusion. This was done so that not anyone can have free reign in making Ijtihaad. Hence, it is as if these **Usools are the result and consequence of the various Masaa`il,** (i.e. they originate from them), and **the Masaa`il do not branch out from the Usools.** Also, to codify from them is simpler. [*Al-Kalaamul Hasan, page 123*]

The difference between the Usools of the earlier Mujtahiddeen and the latter

One speciality of the Mujtahiddeen is that they would extract such Usools from the *Nusoos* which could not be disputed or argued away. Whereas those Usools which the latter Ulama have extracted

from the definitions of the Mujtahiddeen can be broken up. [*Kalaamul Hasan, page 46*]

If there is any doubt in the Masaa`il enumerated by the Mujtahiddeen, then we are not responsible for it

If there is any doubt or uncertainty in a Mas`alah, then it is not our responsibility to respond or give a reply to it, because we have not formulated the Masaa`il. Like for example, if there is a doubt or misgiving in any law (of a country), then the solution and answer for it is to be given by the Law-Makers of the country, and not the judge or lawyer. [*Tarbiyatus Saalik, page13, vol. 1*]

The ruling regarding the proclaimed laws of the Fuqahaa

If we realise that a ruling or part thereof is contrary to a clear, unambiguous *mansoos* (divine text), then it will be abandoned. This is not contrary to Taqleed. There were some occasions where the statements of Imaam Sahib were discarded. **Yes, if the Hadith has several possibilities (of meanings and practice), we will adopt the practice of the Mujtahid.**

In fact, if Imaam Sahib were around, and if it were asked of him, then too, he would advise the same. Hence, it is as though in this abandonment there is obedience. [*Al-Kalaamul Hasan, page 65*]

The Sufiya do not have the trait of accommodating and catering for the (welfare of the) general public, therefore (with them) many actions pass off as permissible. Whereas, the Fuqahaa have the quality of catering for the general public, hence there are many such actions which may be permissible or even advisable, but because there is a fear of the masses falling into deviation because of it, it is prohibited from. This is the reason why the Fuqahaa have

placed a blanket prohibition on *Simaa`*. [*Al-Kalaamul Hasan, page 16*]

The difference between the Fuqahaa and Muhadditheen

The objective of the Muhadditheen is to narrate (Ahaadith) whereas the Fuqahaa delve into its understanding and import. For example, according to the Muhadditheen, singing is permissible without instruments, because of a technical connotation in the Hadith, whereas, the Fuqahaa opine that singing, even without instruments is impermissible, because they understand the *illat* (reason/cause for prohibition in Hadith). The *illat* for this prohibition is fear or *fitnah*, and this same *illat* is present in singing as it is in the instruments. **The Muhadditheen do not delve further than the literal and external content of the narrations, whereas the Fuqahaa, investigate and probe to the objective and import of the narrations.** [*Hasnul Azeez, page 345, vol. 4*]

The rank and status of the Fuqahaa and Muhaqqiqeen

The Faqeeh is supposed to be an embodiment of many traits. He is a Faqeeh, a Muhaddith, a Mutakallim (expert in Ilm Kalam), he should also have a political mind, in fact, sometimes, there is a need for medical expertise as well, because occasionally there is a need to explain and dilate on such matters.

The sight of a Muhaqqiq should be very deep. He should stick to the reality and not become involved in vain and useless matters. This was also the quality and trait of the Sahaabah (radhiallahu anhum). [*Hasnul Azeez, page 362, vol. 4*]

The quality and attribute of the Muhaqqiq should also be that he understands the reality (of matters). There are many sides to the reality (of anything). The encompassing of every side and aspect is the speciality of Allaah Ta'ala. Every aspect has to be studied individually, because there is no uniformity between them. An in-depth understanding is realised when he dislikes using large descriptive words for other Muhaqqiqeen. The differences amongst the Aimmah-e-Mujtahideen are of this calibre. Another trait of a Muhaqqiq is that he abstains from vain and frivolous discussions. He does not engage in (intellectual) discussions with a non-Muhaqqiq or a person with a dense mind. In fact if any discussion with an inane person commences, then he quickly maintains silence. This is regarded as a sign of defeat by the masses. The reason for this silence is not that the Muhaqqiq has no proof to present, but the fact of the matter is that this type of (intellectual) discussion is difficult for the thick-skulled person to comprehend. [*Hisnul Azeez, page 347, vol. 4*]

The comparison between the Fuqahaa and us

The Fuqahaa also explains his proofs and codes of law with regard to his research, but the example of these proofs are like the eyes. His walking is not dependant on a walking-stick. Allaah Ta'ala has blessed the Fuqahaa with 'eyes', which is the instrument of Ijtihaad. **They are not in need of the walking-sticks, but we are.** Our example is like that of the blind person, whose entire trust and reliance is on the stick. If he walks without the stick, the he will fall into a ditch. [*Al-Ifaadhaat, page 73, vol. 1*]

Some things are (attained) intuition and flair (*zawq)*. Someone asked how is true *zawq* acquired, the reply was that it is acquired by the company of the *Ahle Zawq*. [*Al-Ifaadhaat, page 174, vol. 1*]

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CHAPTER TWO

THE DISCUSSION ON THE PROOFS OF THE SHARIAH

There are four proofs of the Shariah

Kitaabullaah, Sunnat, Ijma of the Ummat and Qiyaas. If any matter complies with one of these four proofs, then it is regarded as being credible and of consideration in the Shariah, if not, it is rejected. It is a grave error not to accept any one of these four proofs, or to pay no heed to them. [*Da`wat `Abdiyat, page 119, vol. 15*]

PART ONE – IJMA

The proof and evidence for Ijma

Someone once asked Imaam Shaafi (rahmatullah alayh) if Ijma is proven from the Qur`aan Majeed or not. Seeking an answer to this, he completed (scanned through) the Qur`aan Majeed four times. He concluded that the following Aayat provided the relevant proof, *"And whoever contradicts and opposes the Messenger after the right path has been shown clearly to him, and follows other than the believers' way…"* [*Al-Ifaadhaatul Yawmiya, page 371, vol. 9*]

The reality of Ijma

The reality of Ijma is that all the Ulama in a particular era had unanimously agreed on a Deeni ruling. If anyone abstains from this unanimity purposely or mistakenly, then he will not have a

suitable and appropriate proof and he will not be excused from having erred also. The general rule is that non-adherence and non-acceptance to the Ijma does not affect the (validity or veracity of) Ijma, otherwise it would be difficult to claim and prove the continuity and immunity of the Qur`aan Majeed, because it is reported in Bukhaari Shareef that Hadhrat Ubai (radhiallahu anhu) opined the abrogated Aayaat as part of the Qur`aan Majeed, and Hadhrat Abu Darda (radhiallahu anhu) regarded the words **وما خلق** in Surah Lail and Ibn Mas`ood (radhiallahu anhu) the *Muawwazatain* as being not part of the Qur`aan Majeed.

Not even for a minute does any one aver that the Qur`aan Majeed is un-Protected or changed, in fact, all through the ages it has been accepted as being completely unadulterated. Since these personalities have certainly erred in their proofs, the Ulama of all ages have never regarded these views as being contrary to or even affecting the Ijma. **However, because of their doubt, we will excuse them…**[*Al-Iqtisaad, page 38*]

Zanni Ijma

The object of Ijma is either the consensus of the majority of the Ummat or such Ijma is *zanni* (conjectured). **However, for a *zanni* claim, a *zanni* proof is sufficient.** [*Ibid. page 70*]

PART 2 – QIYAAS

Definition of Qiyaas

"Take lesson, O who with insight" – this Aayat shows that Qiyaas is also a proof (in the Shariah). [*Da'wat 'Abdiyyat, page 122, vol. 15*]

Only Fiqhi Qiyaas is a proof in the Shariah, which is obtained due to a necessity, using a common *illat*. The *maqees alayh* is compared to the *maqees*. Since the original ruling is derived from *nass*, and the *illat* us taken from here hence, the ruling in the *maqees* is also just as authoritative. [*Bawaadirun Nawaadir, page 394, vol. 2*]

An example of Qiyaas

According to the Hadith, *"All intoxicants are Haraam."* Opium is also an intoxicant, therefore it is also Haraam. Here the prohibition of opium has been established using the *nass.* [*Malhoozaat Jadeed Malfoozaat page 113*]

The ruling regarding when to make Qiyaas and when not

If there is a Fiqhi ruling to be made, then the Aayat, *"And take lesson, O you who have insight"*, applies and Qiyaas should be made. If the matter at hand is not a Shar`i one, then the Aayat, *"And do not delve in that which you have no knowledge"*, applies and Qiyaas is prohibited. [*Imdaadul Fataawa, page 784, vol. 1*]

Do the angels also make Qiyaas?

At first, my opinion was that the angels do not make Qiyaas, and that they only follow the clear-cut rulings, until the following Ahaadith came to my attention:

"Indeed he (Jibraeel – alaihis salaam) thrust sand into the mouth of Firoun, fearing that the Mercy will reach him (i.e. that he may recite

the Kalima)", and the Hadith where the angels of mercy and punishment differed on the plight of the murdered who repented. These narrations denote that the angels also make Ijtihaad. [*Al-Ifaadhaat, page 96, vol. 1*]

Regarding the Hadith of the difference of opinion between the angels in respect of the murderer who repented, it is clear that the angels also make Ijtihaad and **they can also err in their judgement.** This is also apparent that the angels are made aware of the general rules and codes when the occasion of Ijtihaad arises. [*Malhoozaat Malfoozaat, page 70*]

PART 3 – THE DISCUSSION ON RECOGN`AINIBLE KNOWLEDGE

The reality of Ilm-e-I`tibaari

The reality of this knowledge is the clarity achieved when one thing (*mushab-bah*) is compared to another (*Mushab-bah Behe*). It is not established or proved, in fact, the *mushab-bah* is established through another proof. This is not included or classified under *majaaz*, be it *majaaz-e-mursal* or *isti`aara*. The reason being that in *majaaz* there is some contextual factor that indicates to the inappropriateness of the *Maudoo` lahu* meaning, hence the *ghair Maudoo` lahu* meaning is taken. Whereas in this case, neither is there contextual evidence indicating to the non-application of the *Maudoo`* meaning, nor is the *ghair Maudoo`* meaning implied. This is also not classified under *kinaayah*, because in *kinaayah*, the *Maudoo`* meaning is not discarded, in fact, the actual import of that sentence is the *Maudoo`*.

Hadhrat Ibn Abbaas (radhiallahu anhu) interpreted the word ارض (earth) in the Aayat, *"Know that indeed Allaah revives the earth after its death."* This is also from *Ilm-e-I`tibaari*. He is not contradicting the commonly accepted interpretation that this refers to the earth proper, in fact he is making the listener aware that they

must not suffice on only the superficial meaning and that they must look further, just as the earth dies and revives, so too is the condition of the hearts. This full narration is present in my Kitaab, '*Masaailus Sulook'*. It has been established from these narrations that *Ilm I`tibaar* is not a Bid`ah of the Sufiya. Its origin is in the *nusoos*. Hence those people who label those Sufiya who consider *Ilm I`tibaar* as *zindeeq*, are committing a grave error. [*At-Tableegh no.12, page 228-239*]

This is amongst the *lataa`if, nukaat* and *Ta`weelaat* (finer, delicate and deep interpretations). It is not Tafseer and cannot be said to be knowledge of the Qur`aan Majeed. [*Ashraful Jawaab, page 314, vol. 2*]

The different types of Qiyaas – Tafaawul, I'tibaar Ta'beer

Ilm I'tibaar is more honourable than *Ilm-e-Ta'beer* (interpretation of dreams) and the reason for its higher rank is that *Ta'beer* only deals with supernatural affairs whereas *Ilm-e-I'tibaar* centres around pure Shar'i rulings. [*Bawaadirun Nawaadir, page 396, vol.2*]

The difference between Fiqhi Qiyaas and Qiyaas-e-Tasarrufi and their respective rulings

***Ilm I'tibaar* is to evaluate some occurrence with one's present situation and derive lesson therefrom.** When two things bear a semblance to each other then one can be compared to the other, thereby resulting in a lesson being learnt. [*Badaa'i, page 241*]

Fiqhi Qiyaas is where something which is not found in *nass*, is compared with another which is present in the *nass* and a common ruling is extracted.

The Qur`aanic proof for Ilm I'tibaar

The origin of both is established from the Qur`aan Majeed. The nomenclature and name for this second type (*I'tibaar*) is in fact derived directly from the Qur`aan Majeed. It is stated in the Qur`aan Majeed: **فاعتبروا ياولي الابصار** . This Aayat follows the incident of the expulsion of Banu Nazeer. Allaah Ta'ala is warning the readers that they should take lesson and abstain from the actions of those people who were punished, lest they fall in the same hole. This in essence is *Ilm-e-I'tibaar*, where two situations are compared to each other and a lesson is derived. [*Bawaadirun Nawaadir, page 397, vol.2*]

An example of Ilm-e-I'tibaar

The sufiya have interpreted the Aayat, *"Go to Fir'oun, indeed he has rebelled"* , as *"Go, oh soul, towards your nafs and strive against it, indeed it has rebelled"* **The object of the Sufis is not Tafseer, their intention is to make the reader of the Qur`aan Majeed aware that the Qur`aan Majeed is not mere story-telling, in fact lessons are to learned from it.** The **incidents** which are mentioned in the Qur`aan Majeed are actually done so **with the intention of learning lessons therefrom.** Allah Ta`ala says in the Qur`aan Majeed, *"Indeed there is in their stories, a lesson."* therefore when you recite the Aayat regarding Hadhrat Moosa's (alayhi salaam) confrontation with Fir'oun then you should realise and take lesson that in you also you have a (similarity to) Moosa (alayhi salaam) and a (similarity to) Fir'oun. That is, **your soul is an inviter to good,** which is compared to **Hadhrat Moosa (alayhi salaam)** and **your nafs a caller towards evil, like Fir'oun.** Hence you are also expected to overpower and overcome your nafs with your soul. Such lessons are learnt and derived through *Ilm-e-I'tibaar*. [*Badaa'i, page 240*]

The proof for Ilm-e-I'tibaar (Qiyaas-e-Tasarrufi)

This question remains that does the *nusoos* also use *Ilm-e-I`tibaar* in the same way the Sufis do? I reply that, all praise to Allaah Ta'ala, such examples are to be found in the Qur`aan Majeed, and this is not from my mouth, but Shah Waliullaah (rahmatullah alayh) has also mentioned the same. Such a great sheikh had written two Ahaadith in the Kitaab, *Fauzul Kabeer*.

Once Nabi (sallallahu alayhi wasallam) mentioned regarding the *mas`alah* of *taqdeer*, *"'There is not anyone of you except that a place in The Fire and Jannat has been reserved for him', The Sahaabah (radhiallahu anhum) asked, 'O Rasulullah (sallallahu alayhi wasallam), should we not then rely on our Kitaab (taqdeer) and abandon (good) deeds?'"*

Nabi (sallallahu alayhi wasallam) said, *"(Continue to) Do good actions, (because indeed) everything has been made easy for that which has been created for him, for him who is (destined to be) amongst the fortunate ones, good actions have been made easy for him."* Thereafter, Nabi (sallallahu alayhi wasallam) recited the following Aayat, *"As for him who gives (in charity), and keeps his duty to Allaah and fears Him, And believes in Al-Husna (the best/ reward), We will make smooth for him the path of ease (goodness), But he who is greedy…."*

Now one may ask: *where is mention made of Taqdeer in this Aayat?* The import of this Aayat is that The path to Jannat is made easy for the one who gives in charity and is pious, and Jahannum is made accessible to the one who is a miser. The answer to this is given by Shah Sahib, that Nabi (sallallahu alayhi wasallam) had by means of *Ilm-e-I'tibaar*, compared this Hadith to this Aayat. This similarity was meant to be demonstrated that just as some good deeds make the path of Jannat easy and other deeds make the path to Jahannum easy, similarly, through Taqdeer, good deeds are made easy for

some and evil for others. This similarity is given for purposes of simplification in explaining that the easiness which is created through Taqdeer is like the easiness which is created through the execution of deeds. This dilation is done by means of comparison. Shah Sahib has, through this Hadith, proven the origin of *Ilm-e-I'tibaar* in the Qur`aan Majeed. [*Badaa`i, page 243*]

Nabi (sallallahu alayhi wasallam) has used *Ilm-e-I'tibaar* in the Ahaadith. I am saying this on the strength of a great personality and not on my own. This is a grand claim. If anyone does not accept the statement of Shah Sahib, then I will ask him to comment and explain the Hadith. **Indeed the (explanation of) knowledge of these Ahaadith, which was rendered by Shah Sahib, is acquired through a gifted knowledge, otherwise (normally) such things cannot be understood.** [*Ibid., page 246*]

PART 3 – THE DISCUSSION ON ILLAT AND HIKMAT

To extract the illat of a ruling through Ijtihaad and then to make it causative is permissible

Just as it is permissible to extract ruling by way of Ijtihaad, is it permissible to extract an *illat* from the Hadith and practice thereupon. Like the ruling regarding the acts of Ibaadaat, or to make a *mutlaq* (general ruling) into a *Muqayyid* (conditional), or not to practice on the literal meaning, etc. Such Ijtihaad is also permissible. [*Al-Iqtsaad Fit Taqleed Wal Ijtihaad, page 14*]

Who has the right to extract an illat and on what occasions?

Every person does not have the right to discuss *illats*. Only the Mujtahid has this right, and even he does not have the right to do

this on just any occasion. He is only allowed to do this when the occasion arises and where there is a need to apply such a ruling. As for those acts of Ibaadat, where Ijtihaad is not occasioned, then he has no right to make Ijtihaad. This is the reason why the Fuqahaa have not discussed *illats* with regard to Salaat, Zakaat, fasting and Hajj. Since they are acts which are Fardh, they are clear-cut and absolute. [*Anfaas `Aini, page 417*]

Not every person has the right to extract illats

I had written to them asking what right they have in extracting *illats* for Shar`i rulings. If such things are done, then Halaal will no longer remain Halaal and Haraam no longer Haraam, because every person will extract an *illat* to suit him, be it Halaal or Haraam. If for example, someone says that the *illat* for the *Hurmat* (prohibition) of adultery is the confusion in lineage, which means that if many men fornicate with one woman and she conceives, then it will be possible that every one of those men wall lay claim to the child (claiming that his lineage applies). There is a real fear of arguments and fights which this will result in. or it is also possible that each one of them refutes fatherhood, then all this will result in great difficulty and strife for the woman and child.

And then I ask you, what if someone devises a plan for the woman not to conceive. Or a person seeks a woman who is barren, or he finds such a group of women from whom there is no fear of fighting and arguments regarding parenthood of the possible offspring. Then in all these cases, fornication will be (Allaah Ta'ala forbid!) permissible, because the *illat* (which was 'extracted') is no more present. What confusion will reign thereafter!

Will such reasoning ever make fornication Halaal? Never! [*Hasnul Azeez, page 99*]

It is not correct for every person to ask the illat of a ruling

If the Haakim (ruler/governor) issues an instruction, then the *illat* (reason) for this ruling can never be asked of him, because the Hukkaam (plural for Haakim) enjoy a status and proof is not asked of them. Therefore, when Allaah Rabbul Izzat issues a decree and the *illat* is asked for that, then a grave doubt regarding that person's respect and awe for Allaah Ta'ala arises. The crux of the matter is that as a subject, to ask for the *illat* of the decree, is nothing other than foolish and absurd. Yes, to ask it as a learner, who desires this knowledge to further his understanding, it will be in order, but that only applies to the student of Deen.

Consider this, that when a law is proclaimed then no one asks for the *illat*. What a shame that the Ulama are regarded as even more contemptible than a sweeper or scavenger. **The Ulama are in reality the conveyors of the Message, they do not formulate the laws.** Therefore, if asking them for the *illats* (to the various Shar`i laws) is not plain stupidity, then what else is it?

It is improper to discuss the illats of the various Shar`i laws with the masses

Hadhrat Moulana says that the discussion on *illats* should never be made in front of the public, in fact the codes of law should be adhered to, otherwise there is a great fear of mischief. If for example, a judge orders the punishment of a criminal, and the punishment is meted out instantly. Now this criminal cannot, in fact, it would not be proper for him to ask the *illat* (reason) for the prescribed punishment. If he does, then he will be chastised and told that we do not make the laws, we merely implement them, regardless of whether we are aware of the *illat* or not.

Is this then justice, that we blindly and readily accept the rulings of a worldly Haakim, and we will never question him, whereas we have thousands of objections to Shar`i laws. This makes it apparent that we do not hold the Shariah in as much esteem as we do worldly Haakims. [*Da`wat Abdiyat, page 138, vol. 12*]

The Fiqhi ruling regarding the underlying mysteries of rulings

It is Waajib not to adhere to these. However there are some amongst them, which are also indicated towards in the Kitaabullaah and Sunnat. In such cases, it would be permissible to accept them. If they are contrary to the Kitaabullaah and Sunnat, then it is necessary to refute them. If they neither have any effect on the Kitaabullaah and Sunnat nor are they contrary to them, then there is scope in adopting either path (i.e. one may accept or refute them). [*Bawaadirun Nawaadir, page 771, vol. 2*]

The difference between illat and hikmat

Nowadays there is a disease prevalent amongst the masses that they seek the *illat* of the rulings, and when they fail in finding any *illat* then they concur that the *hikmat* (wisdom) is the *illat* and they present it as an answer. **Whereas the reality of the *illat* is: That upon which the ruling is based, and the reality of *hikmat* is: That which is based on the ruling.**

The pinpointing of the *hikmat*, since it is mostly not mentioned in *nass*, and is extracted and deduced by *Qiyaas*. And there is a possibility of an innovated *hikmat* being of a doubtful nature, hence this would result in casting doubts in the divine laws. [*Da`wat Abdiyat, page 66, vol. 19*]

An *illat* is defined as that upon which the ruling is based and *hikmat* is itself based on the ruling, hence there is a noted difference between the two. [*Da`wat Abdiyat, page 100,vol. 5*]

The proof of rulings not being based on the hikmat

1. The refutation and answer to those people who base acts of Ibaadat on innovated advantages, can be found in the praise Allaah Ta'ala lauds on Hadhrat Abu Bakr (radhiallahu anhu) when he bought Hadhrat Bilaal (radhiallahu anhu) and freed him, *"And have in his mind no favour from anyone for which a reward is expected in return, Except only the desire to seek the Countenance of his Rabb, the Most High."* In this the reason for the negation and exclusion of his actions is based on the words, *"seek the Countenance of his Rabb"*, whereas there was also the one advantage of sympathy for fellow beings.

2. On the other hand another great harm is that if worldly advantages are found from some other avenue and Islaam is made subservient to this, i.e. Islaam is no longer looked upon with reliance and confidence, because the worldly objective then will now become the real purpose, then this will result in Islaam being ignored and people will seek out and look upon other ways, means and objectives.

3. Thirdly, these advantages which are estimates and conjectures, can very easily (be shown to be) doubtful and if they are ever (proven to be) doubtful and uncertain, then the Shar`i ruling will also be regarded as such, because they have based and regarded the ruling of the Shariah to be on this (innovated advantage).

The mansoos hikmat is also not the basis of the ruling

A ruling is not based nor dependant on its *hikmat*, neither is its (the rulings) existence and execution dependant on the *hikmat*. For example, the *raml* in *tawaaf* had a certain *hikmat* behind it, but this was not the basis for this ruling. [*Bawaadir, page 177, vol. 2*]

The clear distinction between illat and hikmat with examples

Together with any Shar`i ruling, if any advantage is stated, then it will either be the *illat* or the *hikmat*. The existence and non-existence of the ruling is centred around the *illat*, but not around the *hikmat*. That is, if the *hikmat* has to be altered, then it will not affect the ruling. The proper understanding of this is the speciality of the *Raasikheen fil Ilm.* Therefore, in the ruling regarding the beard and moustache, **Nabi (sallallahu alayhi wasallam) mentioned the part, *"to oppose the Mushrikeen"* as a *hikmat,* and not as an *illat*.**

The basis of this prohibition is the altering of the natural state of man, and not (merely and only) to oppose the non-believers. The proof of this lies in the fact that in other Ahaadith where this ruling came, it appeared in general, like, *"Nabi (sallallahu alayhi wasallam) has cursed the Mukhanniseen amongst the men."*

An example of this will be if some Haakim has to instruct his people not to create commotion and disorder like such and such nation (i.e. the reason for not creating disorder is to oppose that nation), and then if perchance that other nation abandons their usual trait (and come onto order and peace), does that mean that this opposition must still be in force (and now this Haakim's people must become tumultuous and disorderly)? [*Imdaadul Fataawa, page 222, vol. 4*]

The status of the illats mentioned in the Qur`aan Majeed

In the Qur`aan Majeed, wherever a *laam-e-ghaayat* appears, it is not to show an *illat*, but rather a *hikmat*. The object is that this effect is consequential to this ruling. It does not mean that the ruling is based on this. [*Anfaas `Aini, page 417, vol. 2*]

The preferred view regarding research into the underlying mysteries of rulings

There is no doubt that the establishment and proof of the basis of Shar`i rulings lay in the Shar`i *nusoos*. Nevertheless, there is also no doubt that similarly, notwithstanding this, there are many advantages and mysteries underlying these rulings. But the foundations and essence of the rulings are not based on these. But these have the benefit that they create more reliance and comfort in the rulings. Although the *Raasikheen* and their likes do not require or depend on these factors, nevertheless, weaklings (like us) take comfort from them. The mysteries and benefits of the various rulings are frequently discussed by great Ulama, the likes of Imaam Ghazaali, Khattaabi, Ibn Abdus Salaam, (rahmatullah alayhim), etc. [*Bawaadirun Nawaadir, page 105*]

If any *hikmat* of a ruling is realised, then this should not be understood as being the crux of the ruling. If this is adhered to them there is no harm in studying the *hikmats*. [*Anfaas `Aini, page 417, vol. 3*]

A safe path to adopt would be to say that there are most certainly many wisdoms in the various rulings, but to be specific and list all of them, because Allaah Ta'ala has not done so, is not appropriate for us to do also. Our subservience is to the decrees of Allaah Azza Wa Jall, whether we know the underlying

wisdoms or not. If there was any need to research into these, then the Sahaabah (radhiallahu anhum) were more worthy of doing it than us. [*Da`wat Abdiyat, page 67-9, vol. 19*]

PART 5 – THE DISCUSSION ON ZANN

The various meanings of zann

The Qur`aan Majeed was revealed in dialogue (format) and it is understood accordingly, so the meaning of *zann* is not only that which is mentioned in *Mullah Hasan*, etc. When perusing some junctures in the Qur`aan Majeed, I say that in the dialogue, the meaning of *zann* is not necessarily confined to the preferred view of the ruling. Allaah Ta'ala says in one Aayat, **" وانها لكبيرة ....الذين ....يظنون"**, here the word *zann* (think) means *yaqeen* (certainty), because the meeting with Allaah Ta`ala is for certain. At another juncture, Allaah Ta`ala states regarding the statement of the kuffaar on the Day of Qiyaamah,

"ان نظن الا ظنا و ما نحن بمستيقنين", here also, the meaning of *zann* is not according to its literal and dictionary definition, because the thoughts and doubts of the kuffaar of their being presented at the Final meeting place was not an overwhelming one. They were in fact total deniers and refuters of this event. The Qur`aan Majeed itself states this in the Aayat, *"Indeed they (the kuffaar) refute and belie The Final Hour."* Hence here the meaning of *zann* is not doubt, because the kuffaar have no perception or possibility of Qiyaamah.

After reflecting on all this, I reach the conclusion that the meaning of *zann* in dialogue (context) is notion, whether this notion is true one or a spurious one. If one keeps this in mind, then it will be easy to understand these Aayaat, without laving any misgivings and doubts. However, in the Aayat, **انّ الظن لا يغني من الحق شيئا,** the word *zann* refers to pure conjecture without proof. [*Badaa`i, page 195*]

The Shar`i definition of zann and its proof

The Shar`i *zann* because it is beneficial refers to the thought, notion or opinion with proof. It gains the status of being of consideration and a proof owing to its Shar`i proof. Everyone agrees that there are some Aayaat in the Qur`aan Majeed which are brief and difficult (to understand). Every Aayat is not *mufassir* or *muhkam*, and since there are some which are brief and complicated, hence their tafseer (interpretation) is not absolute and has to be of *zanni* category. Now, if *zann* were not acceptable, then these Aayaat would have to be left alone and without compliance, whereas this is not the case. [*Badaa`i, page 196*]

Places and junctures where zann is taken into consideration

***Zann* is not acceptable or used in matters of Aqaaid, but in Fiqhi issues, because in fiqh there is a need to execute actions and deeds.** The students of Deen should remember this. [*Bawaadirun Nawaadir, page 882*]

Rulings can be based on zann-e-ghaalib and not on imagined issues

If there is an imagined benefit in a certain thing and an overwhelming harm, then such a thing is Haraam. For example, journeying to the moon has imagined benefits and it is unnecessary, but the harms and dangers are real and overwhelming, hence such a trip is Haraam. Allaah Ta`ala says in the Qur`aan Majeed, *"And do not kill yourselves."* [*Anfaas `Aini, page 390, vol. 1*]

The requirement of being zanni

A necessary side to being *zanni* is that there will always be a doubt on it being otherwise. If you have this doubt, then know that the *zanniyat* of the *mas`alah* at hand is confirmed and strengthened. There is no harm in such doubt and uncertainty. [*Majaalis Hakimul Ummat, page 172*]

The final state of husn-e-zann (good opinion)

The ultimate of *husn-e-zann* is that a suitable interpretation is found for the act, which conforms to the Shariah, and it is subservient to the Shariah. **It should not be such that it alters the Shariah and makes the Shariah subservient to it.** [*Bawaadir, page 191, vol.1*]

The standard (yardstick) by which zann is classified as praiseworthy or censured and acceptable or unacceptable

With regards the Aayat, **انّ الظن لا يغني من الحق شيئا**, the *Ahl-e-Ilm* have reservations about the validity and worth of *zann* in the Shariah. ***Khabar-e-waahid* and *Qiyaas* are based on *zann* whose sources and proofs are the related to *nass*.** *Khabar-e-waahid* is *zanni*, but its origin is not *zanni-us thuboot*, the *zann* factor only came about in the chain of narrations (*sanad*), otherwise insofar as the actual words being from Nabi (sallallahu alayhi wasallam), this is absolute. Similar is the case with *Qiyaas*, although its formulation is *zann*, it is not established by itself (alone), in fact it is a *muzhir* (like a mirror), which gains its rank owing to *nass*, wherefrom its ruling originates.

Only that *zann* is liable for criticism which is no proven from *nass*, and is based on baseless conjecture.

Those conjectures which are not extracted from the valid Shar`i proofs are not endorsed. The Deen is not based on those views which are not proven from the Shariah.

The condition of Deen has been placed on this because it is not necessary that all such conjectures are not beneficial. The science of *tibb* (medicine), which is not a matter of Deen, is nonetheless, of benefit and consideration.

However, it is impermissible to execute such acts which pertain to worldly matters wherein *zann* is prohibited. The object is that in Deen matters, conjecture and opinions are irrelevant regardless of how great the status or intelligence of the one tendering these opinions. [*Da`wat Abdiyat, page 119*]

The types of zann and their rulings

Zann has many types. One is Waajib which includes the *zann fiqhi ghair mansoos*, and to have *husne zann* about Allaah Ta'ala. Another is *Mubaah*, like the opinions in social matters. It will be permissible to hold an opinion of fisq of such a person who outwardly displays such traits, like socialising in and around beer-halls and dancing-women. However one will not be absolute in labelling him a faasiq. It is also not sinful to harbour bad thoughts and opinions which surface involuntary, on the proviso that one does not act on them and tries to eliminate them.

The third type is Haraam. That is to hold opinions on fiqhi matters without absolute proof. It is likewise Haraam to hold the opinion of fisq for the person who does not display such signs and has a pious outward appearance. [*Bayanul Qur`aan, page 47, vol. 11*]

The ruling on having ill-feelings in transactions

To carry out and put in effect an ill-feeling is Haraam. For example to disgrace him or cause him any harm. [*Ibid. page 47, vol. 11*]

One should have reservations and be suspicious when transacting and have good presumptions in matters of belief. The meaning of having reservations in transactions is that one will not give credit or loan money to someone regarding whom one has no experience (stranger). [*Anfaas `Aini, page 619, vol. 2*]

The proof of considering contexts

Nabi (sallallahu alayhi wasallam) had prohibited from eating the food of haughty people. It is apparent that no one proclaims himself to be haughty. This is deduced by his actions and mannerisms. If this (a person being haughty) was not ascertained by context (of his actions and deeds), then what was the use of Nabi (sallallahu alayhi wasallam) saying what he said? It would not have been a practical instruction. **This makes it clear that it is permissible, to take into consideration the context and external factors.** [*Da`wat Abdiyat, page 152, vol. 19*]

PART 6 – The Shar`i status and ruling regarding the information given by witchcraft, jadoo, jinnaat, soothsayers, etc.

The common ruling regarding all of them is that since a matter is proven in the Shariah via a certain avenue, then as long as that matter is not established through that medium, it will not be permissible to attribute it towards that. **It has also been established that the Shariah has not placed any consideration on *ilhaam*, dreams and *kashf* or approved of them as a basis or proof for**

any ruling. Therefore, to label anyone as a thief or sinner based on any of these things, would be a grave sin and Haraam.

To give a ruling or verdict based on those factors which the Shariah has not granted any credence to, is a grave and aggravated sin. Like for example to indulge in useless, fictitious and senseless acts (like witchdoctors do by 'throwing bones', etc) to discover the name of thief, etc. are useless and worthless acts.

Worse than this is to engage in black-magic (*sihr*), visit a soothsayer, pundit (witchdoctor), etc. and to have faith in whatever they say. **This is absolutely Haraam, nay, it is close to kufr.** To suspect someone of a crime on the basis of such flimsy claims are totally impermissible. The true and real basis for any Muslims is *ilm* and *amal*. Now reflect that since the Shariah has not granted any credence to these things, why should we? [*Islaah Inqilaab, pages 397 and 389*]

The ruling regarding tasarruf, sihr, amaliyaat and taawizaat

The Shar`i ruling regarding *tasarruf* is that it is permissible, but it depends on the aim and objective (of practicing these things). If they are carried out for a good and laudable reason, then they will be regarded as such, like the *tasarrufaat* of the Mashaikh and Sufiya. If it is executed for an evil and malevolent reason, then the sin and gravity of its prohibition will be likened (i.e. in accordance) to the objective. [*Bawaadir, page 683*]

If any words of kufr, like seeking the aid of a jinn or stars, are used in *sihr*, then this is clear-cut kufr, regardless of whether this is done to harm or benefit someone.

If the words used are not decipherable or legible, then due to the possibility of it being linked to kufr, it is Waajib to abstain from

them. This will be the ruling regarding all such amulets, *taweez*, etc. [*Badaa`i, page 71*]

There are two types of *aml* insofar as their effects are concerned, one is that type which renders a person's mind in control and overpowers the mind. Such *amals* are not permissible for those things which are not Waajib in the Shariah, like making nikah with a particular man.

The second type is where the person upon whom the *amal* is done becomes attentive towards the desired objective and not overwhelmed or totally in control. These will be permissible for the desired objective. ***Ruqiya* (*taweez*) are permissible to use, but are inadvisable.** [*Imdaadul Fataawa, page 88 and 99, vol. 4*]

The rulings of dreams and states of ecstasy

Dreams and states of ecstasy are not proofs in the Shariah. It neither confirms the unconfirmed, nor renders the preferred unpreferred nor vice versa. Every ruling remains in its place and unchanged by virtue of these (dreams and ecstasy). However, only that may be considered which conforms to the Shariah and precaution is adhered to. [*Bawaadirun Nawaadir, page 771*]

**It is not permissible to base Masaa`il on dreams.** [*Anfaas `Aini, page 153, vol. 1*]

What consideration can be given to dreams? Firstly it is not established that dreams can be used as proof, and then for its correct interpretation to be understood is also not necessary… **Dreams are not *illat* for any condition.** It is type of sign, and signs can sometimes be correct and sometimes incorrect. Therefore one has to look at and study that thing for which it is a sign. [*Ifaadhaat, page 208 and 210, vol. 9*]

The ruling of kashf

Many things which are merely *makshoof* (established through *kashf*) and famous, whereupon their not being a proof is established by valid Shar`i substantiation – to have firm belief in their meaning and import, or to adhere firmly to their practice, or to regard them as being an object in itself, as we see in many matters nowadays, is excessiveness in Deen (*Ghuloo fid Deen*).

If *kashf* is not conflicting with the Shariah, then it holds two possibilities, either correct or not, regardless of whether this is one's own *kashf* or that of some Akaabir. [*Bawaadirun Nawaadir, page 71*]

Two types of kashf-e-quloob and the ruling of Masaa`il-e-kashfiya

One trait of *Masaa`il-e-kashfiya* is that it does not conflict the *nass*. That is, there is no *nass* which contradicts or negates it. An effort will be made to endorse it with the Shariah. If there is a possibility that it can be accommodated into some *nass*, then it will remain in the level of being a possibility. If it is regarded as anything more or higher than this, then it will be *ghuloo* (excessive). If it bears no semblance or finds no endorsement in the *nass* and then to claim it to be endorsed, will be nothing other than *tahreef* (altering) the *nass*. However, if this claim is not done as a tafseer (interpretation) or *ta`weel*, but rather as a form of *Ilm-e-I`tibaari*, then if that ruling is endorsed by some other *nass*, then that *i`tibaar* will be considered and valid, but if it is not endorsed by another *nass*, then it will be *takalluf* (exaggerated). [*Al-Bawaadir, page 784*]

There are two types of *kashf-e-quloob*, One which is purposely directed towards another person to ascertain his faults. This is impermissible. It is a form of spying, because spying is exactly that,

when someone tries to hide his faults and wrongs and you try to divulge and unearth them. The second is when it occurs involuntarily. This is a *karaamat* (miracle). [*Da`wat Abdiyat, page 136, vol. 19*]

The ruling of firaasat (insight/sagacity/intuition)

The actual ruling and origin of (the concept of) *firaasat* lies in the Hadith, *"Fear the firaasat of a believer."* This is a type of *kashf*, and just like *kashf* does not constitute a valid proof in the Shariah.

The reality of Ilm-e-Qiyaafah and its ruling

Once Moulana Muhammad Ya`qub Sahib gave the gist of ***Ilm-e-Qiyaafah*** that this is when Allaah Ta`ala makes apparent or divulges some condition or sign which reveals a hidden shortcoming or evil in someone, so that others may be privy and aware of him, thereby exercising caution. This, in a nutshell, is *Ilm-e-Qiyaafah*. **However such signs and hints do not constitute Shar`i proof.** [*Al-Ifaadhaat, page 74, vol. 9*]

The ruling of Ilhaam and kashf

Issues of *kashf* are not in any level proof in the Shariah. The only upside of it is that **if it does not conflict with the Shariah,** then the person upon whom the *kashf* manifested itself, **and his followers, may practice upon it. They cannot be dogged on its execution.** Its non-observance may result in worldly harm and not harm in the hereafter. [*Husn Azeez, page 520*]

To oppose *ilhaam* may result in some worldly castigation, like illness or some other misfortune, but not so in the hereafter, **because *ilhaam* is not a valid proof for the Shariah, hence its opposition is not a sin, which warrants punishment in the hereafter.**

However, opposition to *wahi* (divine revelation to a Nabi) is a punishable offence in the hereafter. [*malhoozaat, page 181*]

The ruling of a weak Hadith

That which is classified as a weak Hadith according to the Ahle Ilm, **cannot be a criterion or proof for a Shar`i ruling.** [*Imdaadul Fataawa, page 226, vol. 4*]

The ruling of idraak

Sheikh Abdul Haq (rahmatullah alayh) has written that there was such a person in their midst that by merely looking at someone's face, he could tell that person's name. Allaah Ta`ala has also bestowed me with this blessing that by engaging in a discourse with someone, I can tell his nature and disposition. **However such *idraak* (perception) without valid Shar`i evidence is not a proof. [*Badaa`i, page 251*]**

The ruling regarding the Shariahs before us

If anyone has a doubt that the Shariahs before us do not constitute a valid proof for us, then the answer to this is **that if any Shariah of the people before is mentioned and no refutation is made of them, then this is a valid proof for us.** [*Al-Ifaadhaat, page 421, vol. 28*]

There is one famous condition for this *Usooli* ruling that if it is mentioned then its negation is also not made. This much is necessary to know that it is not essential that the negation be done then and there on the same occasion. Any negation in any *nass* will prove sufficient. Otherwise the **Sajdah of respect** which was made by the angels for Hadhrat Aadam (alaihis salaam) and by the brothers of Yusuf (alaihis salaam) for him, would have been binding

upon us, **but these were negated in some other *nass*.** [*Bawaadirun Nawaadir, page 108*]

CHAPTER THREE

THE TYPES OF AHKAAM (RULINGS)

Insofar as being proof and evidence, there are three types of rulings

Mansoos, Ijtihaadi and *zawqi*. *Ijtihaadi* refers to that Ijtihaad which the Fuqahaa intend and such Ijtihaad whereby rulings are proven and which are in actual fact, confirmed by *nass*. These are merely made apparent and perceptible through Ijtihaad. That is why it is said, ***"Qiyaas is a muzhir (makes apparent) and not a Muthbit (endorser)."***

The difference between Ahkaam-e-Zawqiya and Ijtihaadiya and their respective rulings

***Zawqi* are those rulings which are not proven through *nass*. Neither without medium which is a trait of *nass* nor with a medium, like *Ijtihaadiya*.** In fact these rulings are intuitive. The difference between *zawq* and *Ijtihaad* is that the rulings of *Ijtihaad* are proven from *nass* and *zawqi* are not proven from *nass*. This is the reason why such rulings are not related by the Mujtahiddeen, nor are such rulings binding upon anyone. The intuitions of the *Ahle Zawq* are the origins of these rulings. Nevertheless, there are some such rulings which are corroborated by the indications of the Qur`aan Majeed and Sunnat. In such cases their proclamation would be permissible, but if they contradict the Qur`aan Majeed and Sunnat, then their rejection is Waajib. If they are corroborated by

the Qur`aan Majeed and Sunnat and not contradictory of them, then there is scope on both fronts, i.e. they can be accepted or rejected.

***Ijtihaad* is a fiqhi component and *zawq* a *soofi* component.** [*Bawaadirun Nawaadir, page 771, vol. 2*]

The basis of the rulings of Ijtihaad and zawqiyah

The basis of *Ijtihaadi* rulings is the *illat*, which gives rise to the ruling, whereas the basis of *zawqiyaat* is merely the (underlying) wisdom, and this is also not from *nass* which naturally does not give rise to a ruling. Neither is the existence and implementation of the rulings centred around it. For example in the *raml* of *tawaaf*, there was wisdom behind it, but the ruling is not centred around this wisdom. [*Ibid. page 771, vol. 2*]

The second type of ruling

From another angle, rulings are of two types: *maqaasid* and *muqaddamaat*. **The rulings of *zawqiya* are amongst the *muqaddamaat*, and not *maqaasid*.** The *maqaasid* comprise of only the *nusoos* or *Ijihaadi*. The rulings of *nusoos* and *Ijtihaad* are the Shariah. **The rulings of *zawqiya* are not classified as Shariah, rather as *Asraar-e-Shariah* (underlying mysteries of the Shariah).** [*Ibid.*]

There are two types of rulings with regard to their order/arrangement, asli and aardhi

The rulings of the Shariah are of two types: *asli* and *aardhi*, i.e. the ruling is sometimes applied while looking at the actual issue and sometimes while considering the attributes. The rulings of these two types also differ accordingly. **Since a ruling is placed according to**

the majority, if any person is unique or different, then he will not be considered. Considering these attributes, he will be prevented. [*Imdaadul Fataawa, page 246, vol. 4*]

The mas`alah regarding *naqli* and *`aqli* is a universally accepted one. **Rulings are sometimes original and fundamental and sometimes** temporary.

For example trading in armour and gunpowder should be, considering all other types of trade, be allowed without any restrictions. This is the actual ruling. However, considering the harms and tumult which may result in this type of free trade (in such types of commodities), the law has placed the restrictions of having a licence to trade in such merchandise. The actual ruling regarding trading in fruits is that in all conditions and places its trade is permissible, but this natural state is prohibited from during times of plague. These respective rulings depend on the external factors and attributes. The harms of free trade in armour and gunpowder is ever-existent, hence this restrictions in its trading will be always in force, whereas the restriction in fruit-trading is limited to the season of harm, hence it will not be enforced once the prohibitive factor is removed. [*Imdaadul Fataawa, page 194, vol.4*]

The proof of the stated ruling

An example of this is Masjidul Haraam. As long as the mushrikeen of Makkah were controlling it, Nabi (sallallahu alayhi wasallam) used to perform Salaat there and also make tawaaf of Baitullaah. The time came when Nabi (sallallahu alayhi wasallam) came from Madinah Munawwarah to make Umrah and the mushrikeen prevented him from entering. Nabi (sallallahu alayhi wasallam) entered into a treaty with them that he will come the following year and spend three days in Makkah Mukarramah and perform Umrah. Nabi (sallallahu alayhi wasallam) signed the treaty and remained there for a time and returned to Madinah Munwwarah. All this happened when Nabi (sallallahu alayhi wasallam) was not in control

of Makkah Mukarramah. **Owing to a valid reason, Nabi (sallallahu alayhi wasallam) abided to this temporary set-up.** When Allaah Ta`ala granted Nabi (sallallahu alayhi wasallam) total control over Makkah Mukarramah, then he fulfilled the *asl* ruling. [*Imdaadul Fataawa, page 194, vol. 4*]

Two types of masaa`il: qat`iyah and zanniyah

Masaa`il are categorised into two types, one type has a side of haqq and another of baatil, whether this is *sam`an* or *aqlan*, these are called *masaa`il-e-qat`iyah*. The second type is that in which both sides have the possibility of haqq and correctness. This is called *masaa`il-e-zanniyah*. The *masaa`il-e-kalaamiyah* (regarding aqaa`id) belong mostly to the first type and some to the second, and *masaa`il-e-fiqhiyah* belong mostly to the second type and some to the first.

Details on the masaa`il of qat`iyah, zanniyah and ijtihaadiyah and their respective rulings

Some masaa`il are *qat`i*. there is no scope for differences in opinions regarding them. Some are *ijtihaadi* and *zanni*, and all along, through the ages of *salf* and *khalf*, differences of opinions existed in these types of masaa`il between ustaad and student; mureed and peer; small group and big group and between one person and many. **The Ulama have never refuted any of them, neither has the one party called the other 'deviant' or 'sinners' and neither has the one forced and compelled the other to accept their view.**

The differences of opinions in *masaa`il-e-ijtihaadiyah* and *zanniyah* are of two types. One is the difference that exists in the proofs, like that between the Hanafis and Shaafis on the recitation of Surah Faatiha behind the Imaam.
The second is the difference that exits regarding the incidents or attributes, like the difference between Imaam Sahib and Saahibain

regarding the mas`alah on *nikah saa-ibaat*…[*Al-Ifaadhaat-e-Ashrafiya, page 6*]

The Aayat, *"Whosoever exceeds the limits of Allaah, has indeed oppressed himself"*, applies to those who accept the view of one side in a *masaa`il-e-ijitihaadiya*, and criticise the other.

Occasions where dalaa`il-e-sam`iyah and naqliya are applicable

If any action is only intended for a *fun* (science/study) and not for the Deen, then there is no need for its proof to be *sam`i* (i.e. a Hadith, etc) any other proof will also suffice, on the proviso that it is not baatil in the Shariah. For example, holding the breath is not a requirement of the Deen, then this practice does not need proof from the Hadith, etc. **however it must be established from such source which the Shariah has not negated or refuted.** But if it is something which is desired in the Deen, then it must have a sound *sam`i* proof, like compliance to those actions which are ordered and the abstention from those actions which are prohibited from. [*Tajdeed Tasawwuf, page 466*]

What types of proofs are required for aqaa`idi-e-qat`iyah and zanniyah

1. For *aqaai`id-e-qat`iyah* such proofs are essential which are *qat`iyuth thuboot* and *qat`iyud dalaalat*.
2. For *aqaa`id-e-zanni*, *zanni* proof is sufficient, provided that it does not conflict with an *aqaa`id-e-qat`i*. If it does, then the *qat`i* will be opted for instead of the *zanni*.
3. The statement of a *ghair ma`soom* (not innocent person - non Nabi) cannot be used a proof in *aqaa`id-e-qat`iyah* and the statement of a non-mujtahid cannot be used as a proof in *aqaa`id-e-zanniyah*. [*Bawaadirun Nawaadir, page 44*]

The two types of Wujoob – Waajib biz Zaat and Waajib bil Ghair

A thing can be Waajib or necessary in two ways; one is where an instruction has been specifically encouraged in the Qur`aan Majeed and Hadith, like Salaat, fasting, etc. Such an obligation is called *Waajib biz Zaat*. The second type is where an action itself has not been instructed or ordered in the Qur`aan Majeed or Hadith, but some other acts have been instructed in the Qur`aan and Hadith, which normally cannot be effected without being coupled to this first act. Hence this act is also now considered necessary. This is what the Ulama actually refer to as Waajib.

Proof and example

There is no emphasis in the Shariah to compile and write down the Qur`aan Majeed and Hadith, in fact the following Hadith clarifies the fact that *kitaabat* (writing) is not essential or Waajib, *"It has been reported from Ibn Umar who said that Nabi (sallallahu alayhi wasallam) said, 'Indeed we are a nation that does not write…"*. Now, since general *kitaabat* is not Waajib, how can it be for special cases. However, we have been instructed and emphasis has been laid on protecting and safeguarding the noble texts, and experience has shown that without writing and recording something down, its protection is difficult, nay almost impossible. This is the reason why it is deemed necessary and compulsory to write down the Qur`aan Majeed and Hadith. This obligation is upon the entire Ummat in all ages to come. Such a necessity is called, *Waajib bil Ghair*. [*Al-Iqtisaad fi Taqleed wal Ijtihaad, page 34*]

For it to be Waajib to abandon something, that thing does not have to be necessarily bad or harmful in itself, **but it is sufficient if the harm is due to another external factor. This is the reason why the Fuqahaa have on many occasions prevented permissible**

acts as a means of closing the doors for greater evil and harm. [*Imdaadul Fataawa, page 72, vol. 4*]

Miscellaneous

1. The *Hukm-e-Asli* (original ruling) was that all Musaajid must be freely accessible at all times. Nobody can be prevented from performing Salaat in any Musjid whenever he pleases, neither should anyone be prevented from entering a Musjid, etc. This ruling applies at a time when Muslims have control and there is no fear of tumult or fitnah in the Ummat. The temporary ruling will be according to a treaty which was agreed to by the Muslims and this will now be in place until such time that the Muslims have no control to effect the *asli* ruling. [*Malfoozaat Ashrafiyya, page 399*]

2. The Fuqahaa have written that the recitation of Durood Shareef by a trader when he opens his wares or sells them and the recitation of *tahleel* by the guard when he awakens his sleeping companions, are all impermissible. This prohibition lasts for the duration of the said events. [*Bawaadirun Nawaadir, page 814, vol. 2*]

3. There are certain occasions when the memorisation of the Qur`aan Majeed is prohibited. For example if a person wishes to memorise the Qur`aan Majeed, which is a Mustahab act, but because he is married and there is no other means of support for his wife and children (besides him working), then in such a case, it will be Haraam for him to spend his time in doing *hifz*, since this is causing a disruption in his Waajib duty (which is to support and maintain his family). [*Malhoozaat Jadeed Malfoozaat, page 180*]

4. That Sunnat act which prevents or disturbs from a Fardh act is prohibited. [*Malhoozaat, page 88*]

A necessary defence becomes Waajib

An accepted rule is that any act which is permissible, and a good deed or Waajib need is dependant on it, then that act also becomes a good deed or Waajib. This is the reason why the *Ulama-e-Mutakallimeen* (Ulama specialising in Aqaa`id) studied Greek philosophy, in order to combat and expound the Knowledge of Aqaa`id in the generally accepted and vogue method (of their time). [*Imdaadul Fataawa, page 72, vol. 4*]

Proof with example

The rule is that to defend a Waajib is Waajib. This is an obvious rule which requires no proof, however as a courtesy we will mention one Hadith, *"It has been reported from Uqbah (radhiallahu anhu) who says that he heard Rasulullah (sallallahu alayhi wasallam) saying, 'Whoever has leant lance-throwing, and then abandoned it, is not from us."*

It is clear that lance-throwing is no specific act of Ibaadat, but on the occasion of defence of the Kalimah (jihaad) its use is necessary, hence so much of emphasis has been placed on it. This confirms that a defence of a Waajib becomes Waajib. [*Al-Iqtisaad, page 49*]

A ruling is based on greater circumstances and not on unique ones

Rulings are based on greater possibilities and unique ones are not considered. This is the reason why in times of severe hunger, carrion is permissible, but in severe lust, fornication does not become Halaal. The reason being that there is no fear of loss of life in severe lust, contrary to sever hunger, where the fear of destruction (loss of life) is greater. [*Al-Ifaadhaat, page 156, vol. 10*]

Rulings are based on the greater consideration

The majority (greater) is ruled as being all

The rule regarding organisational rulings (which concern the public at large) is that **in order to prevent and safeguard against harms, the welfare of the majority is taken into consideration.** This is the meaning of the ruling given by the Fuqahaa that those acts which may lead to fitnah amongst the masses are also Makrooh for the elite (Ulama). In support of this rule, is the following Hadith, *"It has been reported by Jaabir (radhiallahu anhu) that Umar came to Nabi (sallallahu alayhi wasallam) and said, 'We hear narratives from the jews which we find strange (and interesting), what do you advise that we record them…"* Because the recording of these things would be detrimental to the Imaan of the Ummat in general, hence Nabi (sallallahu alayhi wasallam) prohibited from recording them.

Hadhrat Umar (radhiallahu anhu) was intelligent and considered as amongst the elite amongst the Sahaabah (radhiallahu anhum), but even he was prohibited from recording the incidents of the Jews. This proves that any matter which would result in general mayhem and fitnah is also not permissible for the elite, unless of course it is not a matter which is necessary in the Deen.

In another narration is has been reported that Hadhrat Abdullah Ibn Mas`ood (radhiallahu anhu) used to give a lecture every Thursday. Once someone asked him if he could do this every day, and he refused saying that people would get tired and bored. It is clear that not all the people in the audience would tire of a daily lecture. The request from this person attests to this, but nonetheless, the welfare and condition of the majority was taken into consideration.

Hence, the actions of Nabi (sallallahu alayhi wasallam) and his Sahaabah (radhiallahu anhum) confirm this rule. [*Ifaaraab Ashrafiyah, page 6*]

The actual state of Shar`i rulings

If for example someone snatches some ground from another person and builds a Musjid thereupon. Now the real owner lays a claim and is successful, so the Qaadhi will rule that the snatcher return the ground and break down his 'musjid'. It will not be permissible to criticise the Qaadhi for his ruling or ordering the breaking down of a Musjid, because in reality this was not a Musjid, since it was built on stolen ground.

Rulings in the Shariah are based on effects and not merely causes

People look at the *asbaab* (causes). In reality the causes should not be looked at, rather the effects. For example, it will not be permissible to listen to the recitation of the Qur`aan Majeed or poetry when it has a peculiar effect on the heart, like if a youngster recites the Qur`aan Majeed and this has an effect on someone's (corrupt) heart, then it cannot be said that there is no harm because it is the Qur`aan Majeed which is the cause of this. It is the effect which results in this recitation which renders such listening impermissible and the cause. [*Al-Ifaadhaat, page 160, vol. 2*]

The rendering of an act Halaal or Haraam is not only based on its benefits

1. I also say that there are benefits in alcohol and gambling. In fact, their being beneficial is also stated in *nass*. If their ruling was based on their benefit, then there would be no harm in their indulgence. [*Ibid. page 18*]

2. That beneficial action wherein there is no worldly harm, which is considered excusable in the Shariah and it has not Deeni

harm, then to partake therein would be considered contrary to one's sense of honour, like donations. [*Ifaadaat Ashrafiyya, page 14*]

Two stages of permissibility

There are two stages of permissibility. One is merely permitted, which has no bearing or rank in the Deen, like treating an illness or abstaining therefrom.

The second is that which has some recognition in Deen and obedience and it is also recommended and it has some virtue stated in the Shariah, like Nikah. Warnings are also issued for purposely and without valid excuse abandoning them. This is ample proof of it being a part of the Deen. The fact that the Fuqahaa have written much about this and laid down regulations for it, also shows that it has the rank of *Mubaah* . [*Bawaadirun Nawaadir, page 664, vol. 2*]

There is wujoob in the asl ruling

If there is a wujoob (compulsion) in any action then (to do) its opposite would be Haraam. This is an Usooli mas`alah, and it is also logical. For example it is Haraam to oppose the order to lengthen the beard and shorten the moustache. [*Imdaadul Fataawa, page 221*]

The scale of *amr* is used to indicate wujoob, even though its implementation may not be immediate. However, this will apply if there is certainty that the ordered act is not required immediately, otherwise an *amr* would generally require immediate compliance. Hence when the Aayat, فاتقوالله حق تقاته was revealed, the Sahaabah (radhiallahu anhum) understood that total and full taqwa was required of them immediately. They immediately started fearing (knowing that they were incapable of full Taqwa as is worthy of Allaah Ta`ala), when the following Aayat was revealed, *"Fear Allaah as you are capable of."* That is, they were to adopt Taqwa as

they were able to, and then gradually increase it. Hence, this former Aayat, according to the Muhaqqiqeen is not abrogated. [*Al-Hajjul Mabroor, page 166*]

Regarding present-day, is permission the asl or Hurmat

Previously the Fatwa was that in (general) things there is permission, until and unless *Hurmat* (prohibition) can be proven. **Now the times have become such that one should say that originally there is *Hurmat* in things until and unless permissibility can be shown.** This fatwa should be given to save people from getting involved in Haraam, whereafter mayhem will follow. [*Hasnul Azeez, page 430, vol. 4*]

Is it better to practice on azeemat or rukhsat

When both *azeemat* and *rukhsat* (concessions) are practiced in their respective and called for situations, there is equal reward. This is incorrect that some Ulama do not consider *rukhsat* as an *asl* Shar`i ruling. They also regard it as having less rewards. On occasions of *rukhsat*, Nabi (sallallahu alayhi wasallam) had adopted and practiced on this *rukhsat*, and he encouraged and instructed the Sahaabah (radhiallahu anhum) to also adopt this way. From this we understand that on occasions of *rukhsat* this *is* the *asl* ruling. [*Anfaas, `Aini, page 364*]

There is a Hadith which extols the virtue of practicing on *rukhsat* and there is another which prohibits it. I had deliberated on this matter for many days, and Alhamdulillaah, my mind was cleared in that all those occasions where the Shariah had allowed *rukhsat*, there it's practicing is virtuous and commendable, and wherever the *rukhsat* has been concocted as an escape, there it is detestable, because this entails *nafsaaniyat* and rebellion. No doubt remained

after this understanding came to mind. [*Al-Ifaadhaat, page 421, vol. 9*]

Two types of opting for concessions

Nabi (sallallahu alayhi wasallam) mentioned in a Hadith that Allaah Ta`ala loves that people practice on those *rukhsats* which He has granted them and that they practice on the stipulated *azeemats* as well. Those 'opting for concessions' which the Fuqahaa has prohibited from are not those which are generally granted to the Ummat by the Shariah, rather they refer to those which are concocted in accordance and subservience to the nafs and base desires. [*Majaalis Hakimul Ummat, page 321*]

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CHAPTER FOUR

THE DISCUSSION ON MAKING RULINGS MUKALLAF

Every level of intelligence is not sufficient for takleef (refers to persons being bound to the Shariah)

My opinion is that besides a soul, animals have intelligence also, because the actions of some animals are such that one is constrained to accede to this fact. But this does not make them *mukallif* because any level of intelligence is not sufficient to make Shar`i obligations binding. Just see, an almost mature person *(muraahiq)*, does have a certain level of intelligence but he/she does not become *mukallif*. So even if we assume that animals have that much intelligence, then too there can be no objection to it (that why they are not *mukallif*. From this we can see why some *Majzubeen* who have an outward semblance of some intelligence,

carry out such actions and state such utterances which conflict with the Shariah. They cannot be called kaafir, because it is possible that they have only that much intelligence as the *muraahiq*. Hence, they will not be considered as *mukallif*. If we exceed the discussion on animals and venture onto vegetation, there too, we can see some (albeit minimal) signs of intelligence.

You may be bewildered that some people nowadays make the claim that plants have a soul, whereas some of the ancient philosophers also held this view. We cannot now refute their claim. **It is possible that inanimate objects also have a soul and intellect, although it may be even lesser than that of plants.** Therefore it is possible that inanimate objects can also talk. Those Ahaadith which mention the testimony given by stones and trees, corroborates this view.

Three categories of people insofar as their being mukallif

There are three categories of people, one is with total intelligence, another with deficient intelligence and the third with no intelligence. The first category are *mukallif kaamil*, the second *mukallif naaqis* and included under this category is the person who makes a bequest to his children that when he dies they must incinerate his body and throw the ashes in the wind, and the third category are not *mukallif*.

Takleef is based on the intelligence and not on perception

The *majzoobeen* have no intelligence, like a horse which has no intelligence, but it has excellent perception and senses. Another example is that of a child before maturity. His intelligence is not complete, but his senses are in order. In this regard we cannot claim that a *majzoob* does not have proper senses.

Salaat, etc. being Fardh is not based on these senses. **Intelligence is a condition for the obligation of Salaat.** Hence an insane person, similarly a *majzoob,* is not *mukallif*, **just like a child is not *mukallif*, because of deficient intellect.** [*Al-Ifaadhaat Yawmia, page 244, vol. 2*]

Regarding the kuffaar being mukallif on the furoo`aats (practical tenets of Deen)

Are the kuffaar also bound (by the Shariah) or not? Before entering the class they are not bound, and only after they enrol will they be also included.

This is the example, assuming in some college there is a certain course, and the students are addressed thus, *"O students! Study this."* Although this is applicable to the specific students who are enrolled for this course, it does not mean or imply that all other students are excluded from studying this course. The principal is also encouraging all the students who have enrolled in the college to take up this course. So this encouragement is for everyone. But as for those who are not yet students in the college, this should first be said to them that they enrol in the college and after they have enrolled, this encouragement will be applicable to them to take up the course. [*Da`wat Abdiyat, page 62, vol. 8*]

Will the kuffaar be punished for leaving out the furoo`aat

The following Aayat was revealed for the kuffaar, *"Indeed those who do not desire meeting with Us, and are pleased with the worldly*

life…" According to the Fuqahaa, the kuffaar are not bound by the *furoo`*, that is why it is said that if a kaafir, performs Salaat, in the state of kufr, his Salaat will not be valid.

Similarly, when a kaafir accepts Islaam, then there is no Qadha binding on him for Salaats not read whilst he was kaafir.

The punishment which will be meted out to the kuffaar will be so due to their act of kufr, contrary to the believer, whose punishment will be due to neglecting the *furoo`aat*. Yes, the punishment of the kuffaar will be intensified due to their non-compliance to the *furoo`aat*, but their punishment will not be because of this (their neglecting the *furoo`aat)*. An example of this will be if two people are captured and punished on account of their rebellion and treason. One of these two, together with treason also stirs trouble and causes anarchy, whereas the second person is only guilty of treason. Both will be punished for the crime of treason, but the punishment of the second one may be intensified because of his extra crime. The example of the kaafir is like the first rebel who also commits anarchy. His actual punishment will be due to his kufr, but since he never complied to the *furoo`aat* his punishment will be intensified.

As for the kaafir who used to comply to some of the *furoo`aat* which are attached to Imaan, like giving charity, kindness, humility, etc. is like the rebel who did not commit any other crime.

The punishment of the believer is like the punishment and crime of the person who does not commit treason, but petty crime. He will receive punishment but not to the extent of a rebel.

This aforementioned Aayat also confirms that the kuffaar are not bound to the *furoo`aat*, but they will be punished for not having executed them. As a matter of fact, even the believers are warned in this Aayat, in that if the kuffaar who are not bound by the *furoo`aat* will be punished for not having complied to them, the believers will,

all the more be liable for punishment because they are bound and they neglect them. [*Da`wat Abdiyat, page 188, vol. 7*]

Are the kuffaar mukallif of the prohibitions or not?

What if a kaafir touches the Qur`aan Majeed without wudhu? Apparently there will be no harm in this, because they are not bound by the *furoo`aat.* But this will be contrary to *adab* (respect and etiquette). [*Husnul Azeez, page 275, vol. 4*]

It is not permissible to direct others towards those things which you are prohibited from (including the kuffaar). This rule, specifically has led some Fuqahaa to opine that the kuffaar are *mukallif* to the prohibitions and not others acts. [*Imdaadul Fataawa, page 205, vol. 4*]

CHAPTER 3

THE TYPES AND THE RULINGS REGARDING TAWAKKUL (trust in Allaah Ta`ala) AND ASBAAB (opting for the means)

The two types of tawakkul

Tawakkul is of two types, *ilman* and *amalan.*

Ilman – this is to understand that every matter is in the control of True Controller, Allaah Ta'ala, and that we rely and depend on Him for every thing. This type of Tawakkul is Fardh in every matter and is an essential constituent of Islaamic beliefs.

Amalan – The reality of this is to discard and abandon all means (and have total reliance in Allaah Ta`ala).

The two types of asbaab

There are two types of *asbaab*, *asbaab-e-deeniya* and *asbaab-e-dunyawi*. The former is when a Deeni benefit is realised when opting for it. To abandon it is unadvisable and perhaps even sinful or harmful. According to the Shariah, this is not tawakkul. If this is classified literally as tawakkul, then this type of 'tawakkul' is reviled.

As far as the *asbaab* of the world is concerned, there are two types of benefits which can be realised – Halaal or Haraam. If it is Haraam, then it will be necessary to abandon it, and this type of tawakkul is Fardh. If it is Halaal, then this is further divided into three parts, *yaqeeni, zanni* and *wahmi*. The *asbaab-e-wahmiya*, which the people of greed and avarice opt for, that is also known as *toolul amal* (long hopes and aspirations). It is necessary to abandon them and this tawakkul is Fardh and Waajib.

Asbaab-e-yaqeeniya

This refers to those things whose benefit is naturally and essentially realised, like a person is comforted or satisfied after a meal, or one's thirst is quenched after drinking water, etc. It is not permissible to abandon it and neither will this be regarded as tawakkul in the Shariah. If it is classified as tawakkul in the dictionary, then it will be impermissible to practice it.

Asbaab-e-zanniya

Those things which have an apparent benefit, like recovering after medical treatment or receiving payment after working or labouring. To abandon these things, which in normal terminology would be regarded as tawakkul has some explanation attached to it. For a weak-natured person this is not permissible and permissible for a

strong (in Imaan) person. However, specifically for a person who has strong (Imaan) nature and who is engaged in the service of the Deen, it would be Mustahab, in fact greatly encouraged to adopt this type of tawakkul. [*Bawaadirun Nawaadir, page 267*]

The types and rulings regarding tadbeer

Tadbeer has two stages, one is beneficial and the other permissible. As for being beneficial, if it conforms to *taqdeer*, then it will be beneficial, otherwise not.

With regard to its being permissible, there are two states, the one regards belief, that to accept *asbaab* (means) like the atheists do, that the *asbaab* has full effect, this is Haraam and spurious.
The second state is *amal*, that is one uses the *asbaab* in order to achieve the aims. The ruling of this will depend on the objective. There are three options here, whether the objective is worldly or Deeni or sinful. If the objective is sinful, then this will naturally be Haraam. If it is Deeni then we will see whether this Deeni matter is Waajib or Mustahab. If it is Waajib, then to opt for this *asbaab* would be Mustahab and if it is worldly then we will see whether this worldly matter is of a necessary nature or unnecessary. If it is necessary, then we will look at the *asbaab*. If it is *yaqeeni* or not. If it is *yaqeeni*, then it would be Waajib to opt for the *asbaab* and if it not *yaqeeni*, then its adoption for the weak ones would be Waajib and permissible for the strong ones, however to abandon it (for the strong ones) is preferable.

If the worldly *asbaab* is not necessary, and if in opting for them is harmful to the Deen, then it will not be permissible otherwise it will be permissible. However to abandon it would be preferable. [*Bawaadirun Nawaadir, page 265*]

CHAPTER FOUR

MISCELLANEOUS LAWS

The ruling and explanation of alaahum falaahum

The Fuqahaa have written that it is Waajib to consider the rule of *alaahum falaahum*. **That is, it is Waajib to execute an important task immediately,** and it is Waajib to abandon that thing which interferes.

Therefore, if it is Salaat time and Jamaat is standing up, and at that moment a kaafir tells you to make him a Muslim, then it is Waajib to make him a Muslim and if you miss the Jamaat, then you should not be concerned about it, whereas Salaat with Jamaat is also Waajib.

When the Shariah has placed so much stress and importance on this rule that in lieu of one important task, it is Waajib to sacrifice a Waajib or Nafl duty, then tell us, when an important duty like the reformation of your Deen comes up and some (frivolous or other mundane) journey impedes your attending your *muslih* (sheikh), because besides this free time you have no other, how then can this journey be permissible for you to undertake? How can this (normally) permissible act not become prohibited for you because you are sacrificing an important Deeni task because of it?

I ask you what Fatwa can be ruled for such a person who is very hungry and has not yet eaten, but he wiles away his time and squanders his money whiles loitering around the bazaars? Even if the whole world of Fuqahaa have to get together and unanimously rule the prohibition of strolling around the market-place, they will not be successful in proving this. But I can tell you with certainty, that if this person persists in this action, then he will certainly die of starvation.

Why is this, when he has not committed any impermissible act? Both actions are permissible according to the Shariah – eating and strolling the bazaar. Nevertheless, if this act is censured, then the reason will be that whilst both acts are permissible, there has to be some order in executing them. The more important one will have to be granted preference over the other. **Since this person has not granted preference to the more important task, he will destroy himself.** This is a simple matter which does not require a fatwa or any explanation. Even the most simple-minded person will not contradict this, most obvious issue. [*At-Tabligh, page 84, vol. 1*]

HUQOOQUL IBAAD (rights of people) PRECEDES HUQOOQULLAAH (rights of Allaah Ta`ala)

Explanation of this rule

The Fuqahaa have stated حق العبد مقدّم علي حقّ الله (The right of the servants (of Allah Ta`ala) come before the rights of Allaah. The object and import of this is that the servants of Allaah Ta`ala are in need whereas Allaah Ta`ala is not.** However, this does not mean that one should leave out the rights of Allaah Ta`ala and solely concentrate on the rights of people. Instead it means that wherever there is a clash between the two, **then the rights of people will be granted preference. This is also a requirement of the Shariah and in itself a right of Allaah Ta'ala. Wherever there is no conflict between the two, each will have to be fulfilled accordingly. For example, what conflict can there be between Salaat and repayment of a debt? Nothing at all! One should perform his Salaat on time and also duly pay his debts. A case of conflict will be as follows, if a person has R1000 on which Zakaat is payable and he also has a debt owing to someone. In this case, Allaah Ta`ala says that he should first pay off his debt, and Zakaat will be waived.

In this scenario, the Fuqahaa say that the rights of man have preference over the right of Allaah Ta`ala. In reality this is also a right of Allaah Ta'ala, because it is in accordance to His Command. Allaah Ta`ala Himself says that we should fulfil the rights of our fellowmen. In this case we can say that one right of Allaah Ta`ala has been granted preference over another right of Allaah Ta'ala, hence there is really no conflict between *Haqqullaah* and *Haqqulabd*, but because there is apparently this conflict, hence it will be said as such.

There is also a way where this apparent preference is relinquished, based on a certain reality. This reality has been inspired into my heart by Allaah Ta`ala. In reality *haqqullaah* is *haqqun-nafs*, because those acts which are regarded as *haqqullaah*, are acts of obedience and Ibaadat, and it is clear that no act of man benefits or harms Allaah Azza Wa Jall. In fact whatever harm or benefit there is, will be to the person himself. Hence whatever is attached to *haqqullaah* insofar as benefit and harm, is not that in reality, like it will be in the case of *haqqul abd*, **where the harm or benefit will be experienced by the person whose right is fulfilled or disregarded.** In this way, it cannot be averred here that the fulfilment or non-fulfilment of *haqqullaah* will cause benefit or harm to Allaah Ta`ala (*nauthubillaah!*).

Therefore, in my opinion *haqqullaah* means *haqqun-nafs* and *haqqul abd* means *haqqul ghair* (the rights of others). In view of this discussion, the inferring (of harm and benefit) will be the same. That is, in all cases there will be a matter of harm or benefit. Hence, insofar as *haqqullaah* is concerned, fulfilment will result in benefit to oneself and non-fulfilment will result in harm to oneself, and fulfilment of *haqqul abd* will result in benefit to someone else and non-fulfilment will result harm to someone else.

Therefore, in this explanation there will be no conflict between *haqqullaah* and *haqqul abd*. Whatever objections there may be in the precept that *haqqul abd* precedes *haqqullaah* will fall on the

wayside because in reality *haqqullaah* is *haqqun-nafs* and *haqqul abd* is *haqqul ghair*.

Therefore wherever *haqqul abd* is granted preference to *haqqullaah*, it is a case of *haqqul ghair* being granted preference to *haqqun-nafs*. There can be no objection to this, in fact it is a matter of giving preference. As Allaah Ta`ala says in the Qur`aan Majeed, *"And they give preference (of others) over themselves, even though it may destructive to them."*

The explanation of the ruling of العبرة لعموم الالفاظ

Regarding the fiqhi masa`lah of العبرة لعموم الالفاظ لا لخصوص المورد **(The warning is generally applicable and not for the specific occasion)**, my opinion is that a condition is necessary for the *umoom* (generality) not to apply further than the import and object of the speaker. The proof of this will be in the following Hadith when Nabi (sallallahu alayhi wasallam) once saw a person fainting whilst on journey, he said, *"Fasting on a journey is not amongst the virtuous (acts)."* The words in this Hadith are general and will be applicable to all travellers, this is what is understood by some. However, some cases where consent was granted for fasting on a journey appear to conflict this Hadith. Looking at the context, a Mujtahid will rule that Nabi's (sallallahu alayhi wasallam) intention here is not general. In fact, the condition that this warning will be applicable to that person whose condition renders it such. This is the ruling of the *jamhoor* (majority). It therefore appears that this is the view of the majority that in this usooli mas`alah, the speaker's condition of it not being applicable further than the general is taken into consideration, even though they have not mentioned it thus.

I once mentioned this in a lecture, and Moulana Anwar Shah Sahib Kashmeeri (rahmatullah alayh) was also present. After the talk,

someone asked Shah Sahib a mas`alah and he said, “Did you not hear just now in the bayaan where he (indicating to Moulana Ashraf Ali Sahib) explained that in this ruling the condition is also applicable.” I was pleased that Shah Sahib did not refute what I said, in fact, he conceded to my view.

The ruling of لا عبرة لخصوص المورد بل لعموم الالفاظ

The warning is not for the specific occasion, in fact it applies in general. For example, if any Aayat was revealed for a specific incident, then it’s ruling/application will not be specific only to that time, but if any similar occasion arises, then this *nass* will apply here also. For example the Aayat, *“Woe to AlMutaffifeen (those who give less in measure or weight), those who when they have to received by measure from men, demand full, and when they have to give by measure or weight to men, give less than due”*, was revealed regarding a specific group of people, but its message is not specific to them only. **Like this there are many Aayaat which are not specific to the occasions they were revealed for.**

In effect, an Aayat was revealed for one particular incident but its application is general. Every incident has a particular law applicable to it. So if any law existed before any incident, then that law will apply, but if no law exists, then a law will have to be devised. General Laws need to be devised so that their application can be to a wide set of incidents, so that whenever a need arises a law can be applicable. This now explains the secret behind the ruling of the Fuqahaa that, **لا عبرة لخصوص المورد بل لعموم الالفاظ. T**his is a logical mas`alah also which requires no much explanation. [*Huqooquz Zawjain, page 307-8*]

The explanation of intending one act of obedience in another act of obedience and the explanation of the Hadith انى لاجهز و انا في الصلوة

Question: If whilst in Salaat, one thinks of something else, which is not necessarily something that is not an act of ibaadat, in fact, it is also an act of ibaadat (i.e. the thing which one thinks about). For example, whilst engaged in Salaat, a person does not intend show, neither any act which is not classified as ibaadat. However, whilst in Salaat, one reflects on some Shar`i mas`alah, or about undertaking some valid Shar`i journey, etc. Is this then contrary to sincerity or not?

Answer: this mas`alah is very intense. I will present it here listing the rules pertaining to it. Two Ahaadith comes to mind here, the first is a *Marfoo`* Hadith which has the following part to it, *"Perfrom two Rakaats, concentrating your heart on it",* and the other which is a *mauqoof* narration from Hadhrat Umar (radhiallahu anhu) which has the following part to it, *"Indeed I prepare my army (i.e. devise battle strategies, etc), whilst I am in Salaat."* From these two narrations, we realise the following two states; one is that when a person is engaged in one act of ibaadat, then another act does not intentionally come to mind, even though it may one of ibaadat.

The second state is when another act if ibaadat comes to mind involuntarily. There is no intention to think about this second act of ibaadat whilst engaged in the first. For example, one does not envisage that during Salaat one will plan and devise the battle strategy, etc. Therefore the sincerity in both are equal. There is no doubt in this, however, owing to certain attributes, the first instance will be more complete and the second, if it is done without valid purpose and excuse, it will not be complete/perfect. If it is does with valid cause, then it will also be complete. Hadhrat Umar (radhiallahu anhu) had a valid cause and excuse.

The criterion for this is *ijtihaad*, **but every situation is not in opposition to *ikhlaas* (sincerity).** Nevertheless, what has to be looked into is whether it affects and is opposed to *khushoo* (concentration). **My opinion is that in the case of having valid cause, it will not even be contrary to *khushoo*, if there is a need.**

The summary is this, if such a thought enters the mind, whose permission is granted by The Beloved, i.e. it is a Deeni issue, and also if it is of a necessary nature, then it will not be nugatory of *khalwat* (isolation). [*Anfaas Isaa, page 268, vol. 1*]

An example of this will be the statement of Hadhrat Umar (radhiallahu anhu) who said, *"Indeed I prepare my army (i.e. devise battle strategies, etc), whilst I am in Salaat."* The reason is, that this is also a Deeni duty, which was necessary and it incorporates the remembrance of Allaah Ta`ala. Another point is that he would not get enough time to do this on other occasions when he was out of Salaat. In Salaat he was alone, and this type of task requires solitude.

This is the reason why Hadhrat Umar (radhiallahu anhu) used to, with permission from Allaah Ta`ala, execute this task in Salaat, hence it was not nugatory of *khalwat* and *khushoo*. [*Anfaas Isa, page 87, vol. 1*]

Question: If someone performs Salaat with this in mind that perchance someone who does know the proper procedure of Salaat looks at me, he will benefit and correct his Salaat. Is the intention of such an ibaadat, a hindrance to the *ikhlaas* of Salaat?

Answer: The intention in this Salaat is something other than Salaat. This appears to be contrary to *ikhlaas*, but my opinion is that there is some explanation to this. According to the *Shaari*` this is not contrary to *ikhlaas*, because it can be classified as propagating, but

according to a non-*Shaari`* this act is contrary to precaution in objective ibaadat of Salaat.

There is no harm in performing a Salaat specifically for ta`leem (purposes of teaching). [*Ibid. page 669, vol. 1*]

To make an act of ibaadat a means of worldly benefit

Question: If someone through experience shows that in Witr Salaat, if Surahs *Qadr, Kaafiroon* and *Ikhlaas* are recited regularly, then it will aid in the ailment of piles. Is there any harm in this or not?

Answer: The object of this question is that is one allowed to perform an act of ibaadat for some worldly benefit. This requires some dilation. In making an act of ibaadat achieve some worldly means, there are two types. One is to do so without any medium, like that of an *aamil*, where they use duas and words to achieve some specific worldly benefit.

And the second method is to use a medium of Deeni blessing, where this act will primarily bring in Deeni benefit, and this in turn will be effective in some worldly thing. Those specific acts of ibaadat which are enumerated in the Ahaadith that also have some worldly benefit for the executor thereof, fall in this second category. For example, it is mentioned in the Hadith that the person who recites Surah *Waaqiyah* regularly will not experience poverty. Such worldly advantages are either realised through *wahi* or *ilhaam*. Therefore, regarding the question at hand, if it is categorised under the first type, then it will be contrary to the objective of the Salaat and if it is classified under the second type, then there will be no harm in it. [*Imdaadul Fataawa, page 453, vol. 1*]

"He who performs two Rakaats of Salaat and no worldly matter enters his mind, all his past sins will be forgiven." [*Ibn Abi Shayba*]

Note: That which enters the mind and interferes with the (perfection) of Salaat, is that which is done intentionally, as is indicated to in the usage of the words (of the Hadith). However, that which is not intentional, is not censured, if it concerns a worldly matter. However as for that (thought) which concerns a laudable act, (of the Deen), this is indeed not censured, especially if it is a matter of necessity. This is derived from the statement of Hadhrat Umar (radhiallahu anhu) that, "*Indeed I prepare my army (i.e. devise battle strategies, etc), whilst I am in Salaat.*" [*Majaalis Hakimul Ummat, page 152*]

The ruling of Daf`e Mudharrat wa Jalb-e-Manfa`at (avoid harm and attract benefit)

That benefit which is worthy of consideration is the one which overshadows the harm and similarly that harm is considered which overshadows the benefit. The benefits of the hereafter are more significant than those of this world. The same applies to the harms.

The ruling regarding choosing between ahwanud dararain (the lesser of the harms)

This ruling is logical that when one is faced **with two harmful things, where** the one is of greater intensity than the other, one will opt for the lesser of the two harms. For example, a father punishes his child for some wrong committed by him. Now this hiding is a type of harm for the child, but the wrong which the child committed is an even worse harm. So to save the child from committing this wrong again the option of punishment was adopted by the father. If the child persists in his evil ways, then he may fall into very serious harm later in life, so to save him from this, the father's hiding, which is the lesser of the two harms is better.

The difference between no benefit and harm

Harm is one thing and non-benefit is another. Understand this by the following example, say you have a R100 note in your pocket, and someone snatches it away from you, this will result in a harm for you. Alternatively if you wished to give this note, but someone prevented you from doing this, then there will be no harm in it for you, it will just be unbeneficial. [*Tarteebus saalik, page 19*]

The ruling regarding choosing the lighter of the two evils (Akhafful Mufsadatain)

This rule is also logical. It is also a Shar`i ruling. When one is **faced with two evils (destructive things**), and the one of the two is more grave than the other, so in order to save oneself from the worse of the two, **one opts for the lesser one.** [*Ifaadaat-e-Ashrafiya, page 33*]

The Shar`i ruling is that in order to avoid a greater evil/harm, the one with the lesser evil/harm is opted for. It is also a ruling that a **Deeni harm will not be realised in order to gain some benefit.** [*Imdaadul Fataawa, page 430, vol.3*]

It is logical that when one is faced with two harmful options, where the one is greater than the other, then the lesser of the two will be chosen. An example will be as mentioned above where the father would rather punish his child instead of allowing him to fall into worse evil. [*Kamaalaat Ashrafiya, page 115*]

As it is said, *"Whoever is faced with two evils, he will choose the lighter".*

In order to remove the worse of the evils, the lighter one will be opted for. To explain this I will cite an example – it was known

regarding some villages that the Muslims there were becoming Aryans (Hindus). Many Ulama visited the place. I also went there and met a man who was on the verge of converting into a Hindu. Upon enquiring it was realised that these people liked some custom of the Hindus. I gave them consent to make *ta`ziyah* (a Bid`ah custom). In reality I did not give them permission to carry out a bid`ah, I had in fact saved them from kufr. I chose for them the lesser of the two evils. On the one hand you have kufr and on the other bid`ah, which is the lesser one. Similarly, I once gave a lecture stating that bribery is a sin. If due to a weak disposition people may say that it is a necessity, then you may take, but always keep in mind that it is evil and have a concern about heating Halaal. [*Hasnul Azeez, page 159, vol. 3*]

The combination of Halaal and Haraam is Haraam

This ruling of the Fuqahaa is well-accepted, and it is logical as well.

It is impermissible to thwart one sin with another

It is certainly not permissible to choose a sin in an effort to leave out another, in fact from the very outset that sin was to have been avoided. For example the cure of *nazar-e-bad* (evil eye) is not that the stomach be filled once, in fact the need was that the gaze be lowered (in the first place), although this is difficult. [*Anfaas `Aini, page 176, vol.1*]

There was once a learned person who used to practice *daswi* during the month of Muharram (a Bid`ah practice celebrated on the 10^{th} of the month). He gave his reasoning that this was a way in which people did not attend the Shia celebrations (during this time and they attended his function). A ghair-muqallid molvi gave him a fitting reply that he should keep the same on the Hindu *diwali* and *holi* celebrations, with this intention of his, so that people don't attend them, because insofar as the sin involved in both (this persons

functions and that of the Hindus or Shiahs) are the same. [*Hasnul Azeez, page 229, vol. 2*]

It is permissible to make one act of obedience a means for another act of obedience

Will it be permissible to recite the Qur`aan Majeed in (rigid) sequence (i.e. for learning and memorising hifz), in Sunnat Salaats? The reason for this doubt is that in this method the Sunnat act, which is an objective Ibaadat in itself, appears now to become a means for carrying out another act of ibaadat.

The answer is that it is permissible, because hifz of Qur`aan Majeed is also an act of ibaadat and **it is permissible to make one act of ibaadat a means for another.** [*Da`wat Abdiyat, page 150*]

Can something which is not recorded be used as a proof or not?

A Mufti Sahib had averred that something which is not recorded cannot be used as a proof. I say that in such an important issue, non-recording of it can also be a proof. There are many occasions where the Fuqahaa and Muhadditheen have said in negation of a mas`alah, *lam yuthbit* (not established). [*Husn Azeez, page 51, vol.4*]

The explanation of the ruling that the more difficult a thing is, then more rewarding it will be

Some people are of the opinion that the more difficult an act of ibaadat is, so much more will be the reward. However, in my opinion there is some dilation needed here. In acts of *ibaadat-e-maqsooda* like Salaat, fasting, wudhu, tahaarat, etc. this will be applicable. For example, to make wudhu in cold weather or under

difficult circumstances, will be more rewarding. Fasting in summer is more rewarding. However, with regard to those acts of Ibaadat which are not *maqsood*, to experience difficulty in them will not be overly rewarding. Example, the water for wudhu may be available, now to leave this and walk three miles to fetch other water and make wudhu will not warrant extra reward. After considering the Aayat, "*It has not been made difficult upon you, matters of Deen",* and the Hadith, *"Deen is easy,"* if a person still considers such acts (in Ibaadat *ghair maqsooda*) as more rewarding then it will be as though he is opposing the *nass* (*Nauthubillah*). [*Majaalis Hakeem Ummat, page 312*]

To undergo difficulty in *maqsooda* Ibaadat is worthy of more reward, however to opt for an easier way (if possible) is preferable.

In this regard it is stated in the Hadith that whenever Nabi (sallallahu alayhi wasallam) was faced with two options then he would choose the easier of the two. This is also a natural disposition. For example, a person needs to perform wudhu and a *hawd* (water pond) is closeby, now one is to make wudhu here and another option is to walk a small distance to another place where wudhu can be made and make wudhu there. Now since wudhu is not *maqsood* in itself, the actual *maqsood* being Salaat, however in this instance the extra mile will not warrant extra reward. It would be preferable to choose the easier option.

Contrary to Salaat where recitation of a longer Surah will be more difficult than reciting a smaller Surah. In this case reciting the longer Surah will warrant extra reward, **because Salaat is a *maqsad* in itself,** however there are limits in this as well. Hence a person performs Nafl Salaat the entire night and sleeps for a short while in which his eyes cannot open for Fajr Salaat, and this results in him missing Jamaat Salaat. This is forbidden.

A sabab (cause) is sometimes the result of a musabbab

Just as the *musabbab* gives rise to the *sabab*, sometimes the converse is true. Just as it sometimes occurs in the sensory perceptions.

Is nafa` laazim (necessary benefit) better or nafa` muta`addi (causative benefit)?

Nabi (sallallahu alayhi wasallam) used to sometimes execute some things as a means of explaining/teaching. This may appear to be an act of *riya* (show), but in reality it was not. A *nafa` muta`addi* is more virtuous than a *nafa` laazim*, because for *islaah* (reformation) **this is a preferred method that whatever work one wishes someone else to do,** it is best to do it oneself (as a demonstration and encouragement). [*Hasnul Azeez, page 161, vol. 2*]

Nafa` muta`addi is more virtuous than *nafa` laazim*. This will apply to a person who is complete with a *nafa` laazim*, and thereafter wishes to get engaged in a *nafa` muta`addi.* In this way there will be no interference in his *nafa` laazim*. For example, teaching will be preferable for that person who is complete with his own studies/ learning. The virtue of *nafa` muta`addi* is owing to the fact that it is done through the medium of a *nafa` laazim*. This is the reason why if a *nafa` muta`addi* is not done hoping on a *nafa` laazim* to be a medium, then the *nafa` muta`addi* should be abandoned. The actual and true *maqsad* (objective) is a *nafa` laazim* and the *nafa` muta`addi* is not an objective in itself, in fact, it is a means of the objective. [*Anfaas Isa, page 318, vol. 1*]

Nafa` laazim is in itself an objective and the nafa` muta`addi is an objective by request (secondary)

**The *asl* (original) is that a *nafa` laazim* is more virtuous than the *nafa` muta`addi*,** because Nabi (sallallahu alayhi wasallam) is instructed in the Aayat that when he is completed with the *nafa` mat`addi*, i.e. propagation, then he must engage in the *nafa` laazim*, which is casting his gaze and full attention towards Allaah Ta'ala. This context clearly illustrates that *nafa` laazim* is more virtuous than *nafa` muta`addi*, since the completion of the *muta`addi* is sought and the *laazim*. Thereafter the instruction for engaging in the *nafa` laazim* is issued, and also that it must be maintained and no distraction must be entertained. For example the Aayat, *"Have an inclination towards your Rabb"*, necessitates and is clear that if the *nafa` muta`addi* was more virtuous then its completion would not have been sought.

The *nafa` muta`addi* is the secondary objective, whilst the *nafa` laazim* is the primary and main objective. This assertion may be contrary to the mainstream view, but it is the reality anyhow.

I ask you, that if *nafa` muta`addi* was the objective in itself (primary objective), then what would be the plight of the *harbi* (one at war aginst Muslims) in *daarul harb* (area of those against Islaam) who accepts Islaam? If he is unable to carry out the *nafa` muta`addi* (propagation), what can he do? Must he hold on firm to the *nafa` laazim* (incline towards Allaah Ta`ala) or to *nafa` muta`addi* (propagation)? If carrying out the *nafa` muta`addi* was necessary then he would be faced with a dilemma which he would be unable to bear. And if he were to be instructed with the *nafa` laazim,* then it is clear that the *nafa` muta`addi* is not the objective in itself, because no Muslim will be deprived of (having to practice) something which is a *maqsood biz zaat* (objective in itself). Hence, the *nafa` muta`addi* is not the *maqsood biz zaat*, in fact it is the secondary objective (*maqsood bil `ardh*). **A *maqsood biz zaat* is more**

virtuous than a *maqsood bil `ardh*. [*Asgraful Jawaab, page 301, vol. 2*]

A verbal form of reformation (islaah) is not sufficient for an active (practical) fasaad (act of immorality/mischief), in fact practical reformatory steps and propagation are essential

Only verbal *islaah* is not sufficient, in fact, practical (*amali*) *islaah* is necessary. Initially I had reservations regarding Nikah to widows, and why the Ulama were making an exerted effort at it. A second Nikah is not Waajib, or Fardh, it is only Sunnat. The Ulama say that it is Waajib to consider it as Sunnat. Why then were they so intent on being practical on this. For many years this doubt remained. Those were the days of youth, but Alhamdulillah, the understanding has dawned on me. Since this *fasaad* (misconception, in this case) was a practical one, the *islaah* for it also had to be *amali*. [*Hasnul Azeez, page 678, vol.1*]

The medium and cause of sin is also sinful

Those things which are a medium to sin are also classified as sin. This is the reason why (unnecessary) speaking after Esha Salaat is forbidden in the Hadith Shareef. The reason for this, as recorded by the commentators, is that this will cause an interference in one's (awakening for) Tahajjud and Fajr Salaat.

Those things which are ambiguous and unclear, leave them as ambiguous

One person asked whether the *isaal-e-thawaab* of Qur`aan Majeed will reach all the deceased in equal proportions (i.e. will all get the full reward) or will it be divided amongst them. The reply was that in ambiguous *aqaaid* matters, there is no need to give absolute or clear-cut answers. **The method and system of the Sahaabah (radhiallahu anhum) was perfect, where they would leave ambiguous matters as they are.** The Shariah has not deemed it necessary to dilate or expound on them (so why should we delve into them).

Similarly, Salaat and wudhu have been labelled *mukaffirus sayyi`aat* (compensators of sins)in the *nass*, so we need not delve into what extent they compensate for sins, etc. **This is ambiguous in the *nass*, so we should leave them as such.** They should not be clarified based purely on conjecture. Such things will be asked by those who wish to (*Nauthubillah*) question Allaah Ta`ala.

There is no scope for conjecture *(zann)* in matters of *aqaaid*. Yes, in fiqhi matters there can be, because fiqhi matters deal with deeds and actions. Students of Deen should remember this well. [*Kalimatul Haqq, page 335*]

The ruling and explanations of two qiraats (modes of recitation) being deemed as two separate Aayats

Qiraats are on the same level as Aayats. It is necessary to understand the import of each one of them. To practice on (the meaning of) two *qiraats* of one Aayat has been established from the Fuqahaa. In this regard the Fuqahaa have joined the *qiraats* of the Aayat **حتي يطهرن** and deduced a ruling. Similarly have they combined the *qiraats* in the Aayat **وارجلكم الي الكعبين,** and deduced the ruling that during wudhu the feet must be washed by rubbing them with the hands, because mere pouring of water over them is insufficient. This is the reason why the Fuqahaa have made rubbing

the feet especially a *Mustahab*. Similarly in the Aayat, **مالك يوم الدين**, they have combined the meanings to be kingship and ownership. This means that Allaah Ta`ala is the King and Owner of the Day of Qiyaamah. [*At-Tableegh, page 107, vol. 17*]

The ruling of الشئ اذا ثبت ثبت بلوازمه (A thing, when it is established, then it is established with its corollaries – necessary attachments)

This is an accepted ruling. No intelligent person needs to question or ask about this, it is an abundantly obvious and clear matter. I have cited many examples explaining this, and once again I will present an example. For example, if someone intends making Nikah, and it is asked of him if he accepts a certain girl in lieu of x-amount of dowry?

He says that he accepts. Without doubt this acceptance also means that he has accepted to accommodate her, feed and clothe her. This meaning is included under the ruling of **الشئ اذا ثبت ثبت بلوازمه.** Now after a few days, when this newly married man moves away from his parent's home and is told to go and earn and support his family, and his wife will ask for butter, flour, etc., etc. He says, *"Since when was I to bring this and that. All this was not included and I did not consent to agree to all this!"*

I ask you, what if this young man's case was brought before you and you were to be judge over it? Naturally, you will rule that all these responsibilities are necessarily his. Obviously when a man agrees to Nikah with any woman, then it necessitates that he provide the flour, food, clothes, home, etc.,etc. All these corollaries go together with and are part and parcel of Nikah.

The same applies to accepting the Kalimah *Laa Ilaha Illallahu*, because together with accepting this Kalimah, the duties of Salaat, fasting, etc. incumbently follow. The acceptance of all the Shar`i

duties are also accepted together with accepting this Kalimah (even though they may not be mentioned verbally). [*Huqooquz zaujain, page 318*]

The ruling of hasanaatul abraar sayyi`aatul muqarrabeen (The good actions of the pious are "sins" for those very close to Allaah Ta`ala)

All the slips and mistakes committed by the Ambiyaa (alaihimus salaam) are all acts of obedience, but because they outwardly and apparently looked like "sins", therefore they are called so. The mistakes and slips of the Ambiyaa (alaihimus salaam) are not in reality sins, because all Ambiyaa (alaihimus salaam) are *ma`soom* (sinless).

In summary, there are two types of sins. The first are those w**hich are recognised after a ruling has been stipulated,** like the ruling of fornication being Haraam. Now after this decree has been passed, we know that fornication is sinful. This is a sin, in reality. The Ambiyaa (alaihimus salaam) are free from this type of sin.

Another is that type regarding **which no ruling has been passed and only after its censure, is it realised thus.** This type of sin is superficial. In fact, it is also not really superficial, rather in *majaazi* terms it would be of a very low category of sin. This is the meaning of the Aayat, *"Allaah has forgiven all that has passed of your sins"*, that no *wasaawis* (evil inspirations) need now enter Nabi's (sallallahu alayhi wasallam) mind. He is completely and totally free from all sin.

This doubt remains that if these were not sins, then why was Nabi (sallallahu alayhi wasallam) censured and warned harshly regarding the incident where the Aayats of
عبس وتولي, were revealed? The answer to this is that the Beloved can censure His *muhib* for doing anything contrary to His Greatness.

However, one who is a non-beloved does not have this authority or power to (censure the *muhib*), hence Allaah Ta`ala says in the Aayat, addressing the pure and chaste wives of Nabi (sallallahu alayhi wasallam), *"O wives of the Nabi, whichever of you comes with clear disobedience (i.e. whichever of you troubles and causes hurt to Nabi - sallallahu alayhi wasallam), her punishment will be double."* Further on Allaah Ta`ala says to them, *"O wives of the Nabi, You are unlike other women."*

Similarly, the *muqarrabeen* (close ones) receive double reward. In this regard Nabi (sallallahu alayhi wasallam) said that he is inflicted with fever which is equal to the fever of two people, because Allaah Ta`ala intends greater reward for him.

Nevertheless, owing to the great status, such things which are also not apparently sins, are censured. [*At-Tableegh, page 191, vol. 17*]

Those acts which are a result of some (esoteric) state brought on by (ensues from) Shaari` are not mashroo` -- such states were also experience by the Ambiyaa (alaihimus salaam) and kaamileen (perfect ones)

Those actions which do not ensue from Allaah Ta'ala in the Shariah, but from *ghalba-e-haal* (esoteric state) are not ordered or decreed. For example, the number of rukus in Salaatul Kusoof, these were the result of a state of refulgence which overcame Nabi (sallallahu alayhi wasallam). Sometimes one state would overcome Nabi (sallallahu alayhi wasallam) where he would make a long *qiyaam* (standing) and sometimes anther state would overcome him,

which would result in his going into *ruku* and extending it. Upon completion of the *ruku* another state would overcome him (sallallahu alaihi wasallam) and he would go into *qiyaam*, and then another state would make him go again into *ruku*, etc., etc. In this Nabi (sallallahu alayhi wasallam) made quite a number of *rukus* and *qiyaams* which were not ordered by Allaah Ta'ala, rather they were brought upon by *ghalba-e-haal*. Therefore, in *Salaatul Kusoof*, so many *rukus* are not instructed in the Shariah. [*At-Tableegh, page 260, vol. 17*]

Sometimes the *kaamileen* are also overcome by such states. **Previously** also, I was of the opinion that the *kaamileen* are not affected by such states, but now, Alhamdulillah, my opinion has changed and my research has shown that they also undergo such states. In this regard, Nabi (sallallahu alayhi wasallam) made the following dua on the occasion of *Badr*, *"O Allaah! If You destroy this little group, none will worship You after today."* If one inspects the rank and stage of Nabi (sallallahu alayhi wasallam), then it is obvious that such words are not expected from him. The underlying secret is the excellence of the *Kaamileen* that they are privy of the temperament of Allaah Ta'ala. Allaah Ta`ala is free from temperament, but those who recognise Allaah Ta`ala, recognise the occasions and their actions and speech conform to the occasion. At the time of making that dua, Nabi (sallallahu alayhi wasallam) was overcome with a state of love and the refulgence of *mahboobiyat* (love) overcame him. He understood that Allah Ta`ala desired a display of coquetry from him at that time, hence he reciprocated accordingly. [*At-Tableegh, page 253, vol. 17*]

Similarly with Hadhrat Ayub (alaihis salaam) who, after falling ill did not make dua for recovery for a long while, until his wife one day told him that his sickness has gone on for a long time and that he should make dua for recovery. He said that so many years of illness must pass as many as he had enjoyed good health. What was the hurry now? His condition at that time was that he felt Allaah Ta`ala wanted to test his patience so he exercised full patience, to

such an extent that he did not even make dua for recovery, whereas to make dua is no contradictory to patience. It is however, an outward sign of displeasure and discontent. This is the reason why he did not make dua, but as soon as he realised that Allaah Ta`ala desired that he display his bondsmanship and servitude, he immediately made dua for recovery. In his dua he attributed the sickness to shaitaan. [*At Tableegh, page 254*]

An important fiqhi rule

It was the noble habit of Nabi (sallallahu alayhi wasallam) that he would spend the entire night in Ibaadat, to such an extent that his blessed feet would swell up, due to the excessive standing. This he (sallallahu alaihi wasallam) did this even though Allaah Ta`ala had stated that he had forgiven all his sins, past and future. Some Sahaabah (radhiallahu anhum) were of the opinion that Nabi (sallallahu alayhi wasallam) reduce this excessiveness, because since Allaah Ta`ala had forgiven his sins, what need was there for this extreme? They presented their view to Nabi (sallallahu alayhi wasallam), who replied, *"Should I not then be a grateful slave?*" [*Ibid, page 187, vol. 2*]

The objective of Nabi (sallallahu alayhi wasallam) was that even though all his sins were forgiven did not mean that he should reduce his ibaadat and subservience to Allaah Ta`ala. In fact, this meant that he should be even more diligent in ibaadat, and be ever grateful to Allaah Ta'ala. The one need and objective of ibaadat, i.e. seeking forgiveness, may be unnecessary for him, but the other, i.e. being a grateful servant of Allaah Ta`ala, still remained.

One general ruling is deduced from this Hadith, and that is – if any act of ibaadat is carried out for some objective, and that objective is attained before the act of ibaadat is accomplished, that ibaadat should not be abandoned, but must still be completed. The Fuqahaa have ruled, based on this Hadith, that if a community intended

Salaatul Istisqaa and it starts raining before the Salaat is performed, then it should still be completed and not be left out altogether. [*At-Tableegh, page 229, vol. 17*]

My aim here is to explain the *asl* of the ruling of the Fuqahaa. They have explained, in the chapter regarding *Salaatul Istisqaa*, that if the intention was made to perform *Salaatul Istisqaa*, and it starts raining before the Salaat is begun, then too, the Salaat must be performed, as a token of *Shukr* (thanks to Allaah Ta`ala).

This does not mean that after every *Salaatul Istisqaa* another be made as a form of shukr. If this is done, then the Fuqahaa will undoubtedly brand this act a *Bid`ah***.**

Another example

There is also a similarity to this in (deeds of) actions. When Nabi (sallallahu alayhi wasallam) came to Makkah Shareef to conquer it, the Sahaabah (radhiallahu anhum) were getting fever in Madinah Munawwarah due to the atmosphere there. They recovered with the *barkat* of Nabi (sallallahu alayhi wasallam) and when the time for Umrah came, the kuffaar of Makkah said that the air in *Yathrib* (Madinah Munawwarah) had weakened them. There was still some signs of illness evident on the Sahaabah (radhiallahu anhum). Whilst making tawaaaf, Nabi (sallallahu alayhi wasallam) told the Sahaabah (radhiallahu anhum) to lift their chests and walk, which is called *raml*. This was done so as to display to the kuffaar the bravery of the Muslims. Although this was an occasion of ibaadat, nevertheless, the occasion called for this action of Nabi (sallallahu alayhi wasallam). There was a reason and wisdom underlying the lifting of the chests and brisk walking of the Muslims on that occasion. It was an instruction from the Shariah as well. This ruling remained even after Makkah was conquered. This ruling will remain until the Day of Qiyaamah. At the time when this instruction was revealed there was a reason and wisdom for it, but the

implementation of this remained even after (the original reason was no more).

The Qur`aan Majeed and Ahaadith Shareef confirm this fact that even after a fulfilment of some desire (for which an act of ibaadat was to be made), this act should not be abandoned. When a general ruling has been extracted from the *nusoos*, then a corollary follows that when a firm intention has been made (to perform *Salaatul Istisqaa*) and thereafter it rains (before performing the Salaat), then *Salaatul Istisqaa* should still be made as a form of gratitude unto Allaah Ta`ala.

However, if the gratitude is to be a general one, then it will not be carried out in the form of *Istisqaa*, but in some other form. To express gratitude in such cases as expressed above is one thing and to always do it in the form of an ibaadat is another. Nevertheless, this much should be understood that after a desire has been granted, I should not be forgotten and gratitude should be expressed. [*At-Tableegh, page 186 and 229*]

Further dilation and proofs

I will now dilate on the support/proofs (for the above). For example, in the Aayat, *"O our Rabb, do not reckon us for what we have forgotten or (done by) mistake"*, the issues asked for, i.e. forgiveness for mistakes, etc., have already been assured from before, and the Aayat preceding this one, *"If you display what is in your bosoms or hide it, Allaah will reckon you for it"*, has been abrogated. Nabi (sallallahu alayhi wasallam) even mentioned in a Hadith that the (sins committed in) forgetfulness and errors of this Ummat have been forgiven, still too, we have been instructed to make dua in this way. Although this was the case previously and applies no more, since the Aayat was abrogated, we are instructed with making dua in this way as a form of gratitude for this bounty. Just as we were in need before being forgiven (for mistakes and

forgetting), we are still always in need for forgiveness. [*Ibid. page 231, vol. 17*]

An important Usool – in what type of issues are nahy (prohibition) issued

The Shariah has placed reasonable consideration on this point that those things which are normally not possible to execute, it has not formally forbidden them. They are such things which a person would naturally keep away from. For example, the Shariah has forbidden indulging in fornication and stealing and given stern warnings against the consumption of alcohol, but it has not formally or explicitly forbidden the consumption of urine and faeces, because it is natural for a sane Muslim, in fact, any straight-thinking human, not to indulge in such behaviour. What need is there for a clear-cut prohibition on such matters for a normal and sane Muslim? [*At-Tableegh, page 192, vol. 20*]

An important ruling and the meaning of something intruding and encroaching the Deen

It is an established Shar`i fiqhi ruling that if any action which has been granted a general status and is described by a particular quality, is coupled with a permissible clause, will still remain as specified (in the Shariah). For example, the Salaat of Zuhr is Fardh. The condition that it should be performed at 2 o'clock is not Fardh, but if it is performed at 2 o'clock, then it will still be said to be Fardh. If anyone makes a ruling that it is not permissible to perform Zuhr Salaat at 2oclock, then this will be regarded as an intrusion on the Shariah.

Similarly, since general Nikah is part of the Deen, then to perform it for a minor aged person, it will still be regarded as Deen. If anyone decrees that any age is too small (for Nikah) then this is an intrusion

on the Deen. Similarly, *qurbaani* is also an act of Ibaadat. To specify a cow (for *qurbaani*) will still render it an Ibaadat, and to prohibit it (cow) will be an intrusion in the Deen. [*Imdaadul Fataawa, page 270, vol. 2*]

One ruling

The proving of *`Aam* (for any general thing) will establish an absolute ruling for all its constituents, as long as there is no definite proof for (that thing to be) *khaas* (specific), even though the establishment of *`Aam* is *zanni*. [*ibid, page 2620, vol. 2*]

CHAPTER

MISCELLANEUOUS USOOLS

1. Ahaadith of *nahy* (negation) are *qowli* (verbal) and action and verbal narrations of Mabah precede over action. [*Imdaadul Fataawa, page 219, vol.4*]

2. Those issues regarding which the *nass* is silent, to lay a claim to them, with valid reasons will not be an opposition to *nass*. As a matter of fact, to negate something which is established in *nass* or to verify (claim as positive) any matter which is nugatory in the *nass*, is opposition to *nass*. [*Bawaadirun Nawaadir, page 486*]

3. Those issues which have various possibilities, and regarding which no specific reason is established (in the Shariah), there will be no harm to specify a reason for it based on *zanni* (or contextual) evidences. For example, like the philosophers and the *Muwarrikheen* have cited reasons for various issues based on *zann*. [*Ibid.*]

4. For the unification of narrations a unification of *sababs* is not necessary, similarly, for unification of *sabab*, there is no need for unification of *sababus sabab*. [*Ibid.*]

5. There is no need for a thing to be an objective (*Maqsood*) if it is praiseworthy (*mahmood*). [*Ibid.*]

6. When one *illat* is deduced, there is no necessity for the deduction of other effectual *illats.* [*Ibid.*]

7. *Istikhfaaf* (considering an act lightly) and *dawaam* (perpetuity) makes a *Makrooh* act Haraam. [*Imdaadul Fataawa, page 241, vol. 4*]

8. It is Haraam for the follower of one Mujtahid to make the *taqleed* of another Imaam, for the reason of merely following him. [*Ibid. 391, vol. 4*]

9. The kitaabs of *Aqaa`id* are clear on the fact that they (the *Aqeedahs*) are based on clear *nusoos*. [*Imdaadul Fatawa, page 241 and 391, vol.4*]

10. Prohibitions are found more in those things wherein the possibility of engagement therein is greater. Liquor has been prohibited because the possibility and inclination to it is greater. However, the prohibition of drinking urine will not be found, because nobody (in their sane mind) would drink it. [*Malhoozaat, page 96*]

11. The *Usool* does not generally precede *furoo*`(subsidiary), in fact, on that occasion here the effects of both are equal. [*Ifaadhaat, page 416, vol. 7*]

12. The *asl illat* (actual reason) for *qasr* Salaat is difficulty. However, to recognise this is difficult. [*Ibid. 420, vol. 7*]

13. If a reliable person mentions any matter which appears contrary to the Shariah, then a suitable interpretation will be found. [*Bawaadir, page 387*]

14. For the Sahaabah (radhiallahu anhum) not having administration and organisation in their times, does not constitute a good proof, because they were simple in all their matters. [*Ibid. page 774*]

15. Some *Mustahab* acts, reach the stage close to Waajib, owing to certain factors. [*Ifaadhaat Yawmiya, page 32, vol. 10*]

16. *Adab* (etiquette) is based on the *`urf* (customs of the locality). That is, if any action is permissible, in itself, but in a certain society that particular action is deemed as uncultured, then this will also be regarded as uncultured in the Shariah. [*Ibid. page 152, vol. 10*]

17. Insofar as the Shariah is concerned, *badnaami* (disrepute/dishonour) has no consideration in the Shariah. However, it is appropriate to abstain from being made *badnaam* and it is also contrary to the Shariah. [*Al-Ifaadaat, page 240, vol. 9*]

18. A thing may initially have some expedience attached to it, but later this same expediency becomes a means of harm. [*Husn Azeez, page 339, vol. 9*]

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CHAPTER FIVE

THE RULINGS REGARDING IBAAHAT (CONSENT), NUDAB (PERMISSIBILITY),

MASAALIH (BENEFITS/EXPEDIENCIES) AND MAFAASID (HARMS)

The three types of deeds

The *Ahle Ilm* know well that deeds are divided into three categories. **First are** those which are beneficial to the Deen and they are ordered with, be they Fardh, Waajib, Mustahab or Sunnat. **Secondly** are those which are harmful to one's Deen, and they are prohibited from, either to the degree of being Haraam or Makrooh. **Thirdly** are those which are neither ordered with nor prohibited from. These are the *mubaahaat* (permitted acts). [*At-Tableegh, page 149, vol. 17*]

The ruling of Mubaah and its two types

Many people regard the *mubaahaat* as not be ordered (*ma`moor behe*), because they are not apparently ordered or prohibited. However, if one reflects carefully, then it will be noted that this third type also falls under the first two categories.

The reason for this is that insofar as the effects of *mubahaat* are concerned, they are never free of either one of two qualities – they are either beneficial according to the Deen, like in order to keep the body fit, one jogs, exercises, etc.
Or they are not beneficial according to the Deen. If it is beneficial to the Deen, then their enacting is ordered in the Shariah, although not to the level of Waajib. However, if a *Mubaah* is beneficial in the Deen, and it is done with a good intention, then it will most certainly reach the level of being *Mustahab*, and it will warrant reward.

If it is not beneficial in the Deen, then it will be *fudhool* (futility), and the Shariah prohibits from futility and frivolity. It is stated in the Hadith, *"From amongst the excellences of a person's Islaam, is that he abstains from wasteful and futile things."* Excellence in Deen is

greatly encouraged and ordered, hence to abstain and leave out futility will also be ordered. Although they will not be classified as Haraam, they are not free from abomination and abhorrence. [*At-Tableegh, page 150, vol. 17*]

There are two types of Mubaah

If something is a Shar`i *Mubaah* and it is also a *Mubaah-e-asl* (something which is originally permissible), then it has latitude (in its permissibility). For example a guest is permitted to partake of the meals, then this consent extends to every type of dish which is served. He may eat this, that and everything his heart pleases. The earning of Halaal wealth is also in this category.

If the thing is *Mubaah biz Zaroorat* (permitted only in times of necessity), and it is actually a *Muhrim-ul-asl* (originally prohibited), then there is no latitude in its usage. In fact, there are great restrictions in this. The effect of this is that it is not permissible to exceed whatever limit or restrictions are attached to this thing. The permissibility of multiple wives is included in this category.

Therefore the limit of four wives which is stipulated in the Qur`aan Majeed cannot be exceeded at one time. To do so would be contrary to the permitted limit. [*Malfoozaat, page 37, vol. 3*]

That permitted or commended act in which there is fear of general mischief or immorality, becomes Waajib to abandon

If in those acts which are normally classified as *Mubaah* or *mandoob*, there is fear of general *fasaad*, then it will be Waajib to abandon such acts. Especially such *Mubaah* acts wherein the Deen may be stigmatised, **like accepting the property of a prostitute for**

a Madrasah, although through some interpretation it may be acceptable as a gift (it should not be taken). [*Anfaas Isa, page 317*]

Rule

It is a Shar`i ruling that if any permissible act incorporates any *mafaasid* (harms/evils), then this act becomes impermissible. [*Imdaadul Fataawa, page74*]

Even in matters which are *Mustahab*, if there is the possibility that the masses will elevate a *Mustahab* act, emphasis on it greatly and render it as being Waajib, then that *Mustahab* act also becomes Makrooh. [*Ifaadhaatul Yawmia, page 80, vol. 10*]

The proof for the above ruling

Understand this ruling, which is both, *aqli* (rational) and *naqli* (narrative), and the Hanafi Fuqahaa have extracted numerous corollaries from this ruling. The ruling is that if there exists any *Mubaah* or *mandoob* act, which in the Shariah has not attained the level of necessity and there is a possibility that it creates *fasaad* amongst the masses (when it is rigidly adhered to or elevated in importance), then this *Mubaah* or *mandoob* must necessarily be prohibited from and abandoned. The *aqli* (logical) argument for this is clear and the *naqli* argument is in the Aayat, *"And do not insult those whom they (the kuffaar) worship besides Allaah, lest they insult Allaah wrongfully without knowledge..."*

It is clear that to censure the baatil 'gods' is a necessary permissible act, and in some cases it is *mandoob* also, but because it is not an objective in itself, in fact this objective (of 'teaching' the non-believers) can be attained in other ways, like through wisdom and counsel, and there is a possibility that this method (of censuring) will lead to them hurling abuse at Allaah Ta`ala, hence it has been forbidden. [*Imdaadul Fataawa, page 827, vol. 1*]

A Mubaah or mandoob act will be prohibited because of its collusion with other non-Shar`i acts

A *Mubaah* act which may also be *Mustahab*, if it is coupled with a non-Shar`i act will become prohibited. For example to accept an invitation is *Mustahab,* Sunnat in fact, but if one answers to an invitation where some un-Islaamic things are taking place then to got there will be prohibited. Also for example, it is mentioned in the Ahaadith and it appears in *Hidaaya* that it is laudable to perform Nafl Salaat, but if it is performed during the Makrooh times, it will be prohibited and even be sinful. From this we understand that even though an act may be permissible and laudable, if it is coupled with some un-Islaamic or *ghair-mashrooh* factor, then this permissible act will become impermissible. [*Islaahur Rusoom, page 132*]

If there is a wrong belief regarding a mandoob act, then it is Waajib to abandon it

The Fuqahaa have written that if some concocted belief becomes attached to a *Mustahab* act, then it will be necessary to abandon that act. [*Hasnul Azeez, page467, vol. 1*]

The Fuqahaa have written that it is Waajib to abandon that *Mustahab* act in which some false belief has cropped into. It will not be permissible to censure anyone for abandoning (such) a *Mustahab.* If carrying out a *Mustahab* act creates some *fasaad*, then that *Mustahab* act should be abandoned. [*Ibid. page 680*]

When there exists a conflict between benefits and harms

When there exists a conflict between *masaalih* and *mafaasid,* then the effects of the *mafaasid* are granted preference, as long as the

masaalih have not yet reached a point of Shar`i necessity. [*Imdaadul Fataawa, page 69, vol. 4*]

The Shar`i ruling is that when the *mafaasid* in any action is overwhelming, and that action is not sought (in the Shariah, i.e. not amongst the compulsory acts), then the actual action will be prohibited. If the action is one that is sought (in the Shariah), then the action will not be abandoned, rather the *mafaasid* will be terminated and prevented. [*Ibid, page 84, vol. 4, Bawaadirun Nawaadir, page 334, Bayaanul Qur`aan page 119, vol. 3*]

If there is some benefit in an act which is contrary to the Shariah, and there may also be good reasons for executing that act, but its execution is not deemed necessary in the Shariah, or there are other means in fulfilling the same benefits, and the act may be carried out solely for the good intentions, its execution will still be impermissible. [*Islaahur Rasm, page 134*]

The proof of the general ruling and the two types of mufsid

It is a fiqhi ruling that a permissible, in fact *Mustahab*, act, which is not sought by or importance attached to it by the Shariah, becomes overwhelmed by *mafaasid*, should be abandoned. Regardless of whether the *mafaasid* is due to the action of the executers or the act of the onlookers.

This ruling is both, *aqli* and *naqli*. The Hanafi Fuqahaa have extracted numerous corollaries from this ruling. The ruling is that if there exists any *Mubaah* or *mandoob* act, which in the Shariah has not attained the level of necessity and there is a possibility that it creates *fasaad* amongst the masses (when it is rigidly adhered to or elevated in importance), then this *Mubaah* or *mandoob* must necessarily be prohibited from and abandoned. The *aqli* (logical) argument for this is clear and the *naqli* argument is in the Aayat,

"And do not insult those whom they (the kuffaar) worship besides Allaah, lest they insult Allaah wrongfully without knowledge..."

It is clear that to censure the baatil 'gods' is a necessary permissible act, and in some cases it is *mandoob* also, but because it is not an objective in itself, in fact this objective (of 'teaching' the non-believers) can be attained in other ways, like through wisdom and counsel, and there is a possibility that this method (of censuring) will lead to them hurling abuse at Allaah Ta`ala, hence it has been forbidden. [*Imdaadul Fataawa, page 826, vol. 1*]

Explanation of an example with proofs

The Hadith has permitted the performance of *Sajdah-e-shukr*, however, the Hanafi Fuqahaa have, according to the statement of Allaamah Shaami (rahmatullah alayh), ruled it to be Makrooh, lest the masses deem it an objective in itself (i.e. make it a special act of Ibaadat). It is stated in *Aalamgiri* that since people have begun making it (with perpetuity) after Salaat, hence it is Makrooh, because the ignorant people would begin deeming it to be Sunnat or even Waajib. **When any permissible act reaches this stage (that people start elevating its position), then it becomes Makrooh.**

However, as for that act which is necessary, it should not be abandoned. Whatever *fasaad* has crept into such acts must be eradicated and reformed. For example, if in a certain *janaaza* there is a *nauha* (professional mourner) who is also present, now in order to evade this Makrooh act, one should not absent oneself from that janaazah. In fact, that woman can be and should be prevented from plying her trade there. Due to this temporary abhorrence, a necessary act should not be abandoned.

Contrary to being invited to a place where Makrooh acts are also perpetrated. There the invitation should not be accepted, because

this (i.e. accepting an invitation) is not amongst the necessary (ordered) acts of the Shariah.

Allamah Shaami (rahmatullah alayh) has also cited the differences between these *mas`alahs*. [*Islaahur Rusoom, page 110*]

That Mubaah or Mustahab act which becomes a means to sin should also be abandoned

The Fuqahaa and Sufiya have placed great consideration to this ruling, **that any *Mubaah* or *Mustahab* act which leads to some sin, is prohibited.** For example, some intoxicants, like opium, which does not intoxicate in small quantities, will nevertheless, be prohibited, because the little quantity entices and eventually does lead one to take greater doses, which is intoxicating. Similar is the case with permissible (excessive) speech, sleep and intermingling. Even though these acts (in excess) are permissible, but they lead to sin, which is the reason why the Sufiyaa have prohibited and advised against it. [*At-Tableegh, page 23*]

The reason for Mubaah becoming Haraam

Some people object to the Fuqahaa, saying that they have made some *Mubaah* things Haraam. However, they are ignorant of the underlying secret to this ruling of the Fuqahaa. In reality, the Fuqahaa have not made a *Mubaah* Haraam, **they have called a preamble to Haraam, Haraam.** This ruling is logical as well, **that anything which leads to Waajib is Waajib and anything which leads to a Haraam is Haraam.** Hence those acts which were *Mubaah* that the Fuqahaa have labelled Haraam are in fact preambles to Haraam, and they no longer hold the level of *Mubaah*. Owing to their being introductions to Haraam, they have entered the category of Haraam and no longer belong to the *Mubaah* category. [*At-Tableegh, page 23*]

Rulings change according to the times and prevailing conditions

Different conditions give rise to differing rulings as well. There are many things which in one instance may be *hasan* (good and laudable), whereas in some other condition this same act will be *qabeeh* (evil). Can there be any question on the act of Salaat being *hasan*? However, if one has an urgent need to relieve oneself, then performing Salaat in such a state will be Makrooh.

Similarly it is possible that an act may in itself be permissible, but in another context it may be evil (*qabeeh*), and this state may lead it into sin. [*At-tableegh, page 23*]

This is also possible that an act may have been permissible during a certain era, because during that era, there were no factors of *karaahat* present, and then this very act is rendered impermissible in some other era, due to some Makrooh factors which may become present and are the cause (*illat*) for this abhorrence. Or something may be permissible in one place and in some other country impermissible.

Example

Look, Nabi (sallallahu alayhi wasallam) used to allow the womenfolk to come to the Musjid and perform their Salaat, because during that era there was no fear of *fitnah*, and then the Sahaabah (radhiallahu anhum) noticed the change in environment and prohibited women from coming to Musjid. There are numerous examples present in the Ahaadith and Kitaabs of Fiqh. [*Islaahur Rusoom, page 116*]

An important warning

The labelling of a Mubaah act as Makrooh or Haraam due to some factor of fasaad or it being a preamble to Haraam, is not the forte of just anyone

The 'ijtihaad' of just anyone is not of any consideration when it comes to calling a *Mubaah* act Haraam due to any factor or valid reason. Only a wise *Muhaqqiq* will understand things such as which evil factors render a *Mubaah* act Haraam or impermissible, and which not. Moulana Qaasim Nanotwi (rahmatullah alayh) used to say that this decision can be made by *Shaari*` (Allaah Ta`ala), or that person who adequately understands the Speech of *Shaari*`. There are some example of this in the Shariah – one is the incident of the Hateem (where the Kaabah was rebuilt) and the second is the Nikah of Hadhrat Zainub (radhiallahu anha), who was the divorcee of Nabi's (sallallahu alayhi wasallam) adopted son, to Nabi (sallallahu alayhi wasallam). In the first incident consideration was taken of the *fasaad* which was inherent (if the Hateem were to included as part of the Kaabah) and in the second incident the *fasaad* was not considered (where the people would consider as incorrect the Nikah of the divorcee of an adopted son to his guardian). From these we understand that every *fasaad* is not taken into consideration, and that every *maslihat* (benefit/goodness) is not liable for acceptance. Therefore it is not the right of everyone to label as Haraam a thing on the possibility of it leading to a *mufsid*. [*At-Tableegh, page 11-15*]

If a thing is permissible for an individual, but by others looking at him and taking a wrong cue, where

this becomes a testimonial for them (to carry this out which will lead them into fasaad beliefs etc.), then this act will also be impermissible for this individual

If an act which is not deemed to be of a necessary category in the Shariah (like a Sunnat-e-Muakkadah, Waajib or Fardh) is carried out by an individual and that leads to the corruption (in belief or actions) of those who observe him, then this act will no longer be permissible for him. The act will become impermissible for this person because when the people make taqleed of him, they will be led into *fasaad*.

The crux of this Shar`i ruling is for the benefit of the society as a whole. The requisite for brotherhood is that wherever possible, another should be benefited, and if this is not possible then at least others should be saved from harm. Will a father whose child is allergic to sweetmeats sit and eat this in front of his child, because he (the father) likes it? Will the thought not occur to him that due to his greed his child will also partake of the sweetmeats and be harmed thereby?

Is not the welfare of every Muslim just as important? [*Imdaadul Fataawa, page 279, vol. 5*]

This protection (of society) is like the example of one's own child who is ill and the doctor diagnoses that sweetmeats will harm his health further. Now in order to safeguard your child, you will take this precaution that even you will not partake of sweetmeats. Just see to what extreme you will go, that although this does not harm your health, but your love for your child constrains you to abstain from sweetmeats, even though you may desire it. You will do this, lest your child also surrenders to his desire and partakes of sweetmeats (in your absence), thereby worsening his condition. In

order to protect your child you have made a desirable, in fact beneficial, thing impermissible upon yourself. In this vein, have the Fuqahaa made *Mustahab* acts Makrooh.

Now there is an objection raised against the Hanafi Fuqahaa that they have said such acts to be Makrooh which have been praised in the Ahaadith. The objectors do not understand the reason for them being rendered Makrooh. In the example I had cited above, none will object that even though only the child was prevented from eating the sweetmeat, the entire household have also been forbidden from it. [*Al-Ifaadhaat Yawmia, page 80, vol. 10*]

Ruling

Since it is Fardh to save the Muslims in general from any harm, therefore if any unnecessary act (not ordered by the Shariah) of the elite (Ulama, Mashaaikh, etc.) creates harm to the beliefs of the public, then such an act will be Makrooh for the elite to carry out. They should ensure that they abandon such acts.

The following incident was reported in the Hadith Shareef that Nabi (sallallahu alayhi wasallam) intended incorporating the Hateem into the Kaabah. But because it would have caused misgivings in the hearts of the new-Muslims and also that this was not an ordered act of the Shariah, Nabi (sallallahu alayhi wasallam) abandoned his plans. He had stated his reasons also. Although it would have been preferable and better to **incorporate the Hateem into the Kaabah Shareef, but in view of the harm it would have caused to the masses,** Nabi (sallallahu alayhi wasallam) did not implement his plans. It is stated in Ibn Majah from Hadhrat Abdullah (radhiallahu anhu) **that it was a Sunnat to feed the people of a funeral in the first day, but when people started regarding it as a custom, this practice was abandoned and forbidden.** Just look, the elite have also abandoned this practice with the intention of saving the (beliefs) of the general masses. [*Islaahur Rusoom, page 115*]

It was for this reason that the Fuqahaa have, on numerous occasions, closed the consent to *Mubaah* practices in order to save the masses from Deeni harm. This is the reason why the present-day *Muhaqqiqeen* also prohibit the practices of *moulood, faatiha*, etc. [*Imdaadul fataawa, page 72, vol. 4*]

Now if any person claims that he will hold a gathering which is free from all the evils which accompany these gatherings (of *Moulood* and *faatiha*, etc.), then too permission will not be granted.

For example, if there is a plague of cholera and the governor of the area realised that the plague is worsened by the guavas and cucumbers. Hence, he gives an instruction that these two items not be sold or eaten. If the police see anyone with any of these then they will immediately confiscate it. Now what if a person says that he is healthy and fine, hence he must be given permission to eat it or that because he is healthy he must be able to sell it. Will such consent be granted?

Most certainly not! In fact the ruling will remain general. Similarly here also the ruling will remain general, so we should not be chastised for issuing his decree. [*Da`wat Abdiyat, page 14* and *124*]

The issue of whether to carry out or abandon a permissible and laudable act, if it attracts the censure or brings about disrepute in the eyes of people

A learned person once asked that if an action which in itself according to the Shariah is not harmful or bad, in fact it is a laudable and good act, but the public deem this act unsavoury or bad, and there is the possibility that if this act is carried out, it will result in being disgraced in the eyes of the pubic. What can be done in such

circumstances? It has been mentioned that the censure and reprimand of the public need not be considered, and this act should be carried out. Or should this act not be carried out due to the censure of the people?

This question was aptly replied by Hadhrat Moulana Qaasim Nanotwi (rahmatullah alayh), in a lecture. He said that such queries can be answered by a wise person. There cannot be a general blanket consent for such actions neither can there be prohibition. When one studies the Qur`aan Majeed and Sunnat, then it will be realised that there is some detail to such decisions.

I will present two such incidents from the blessed life of Nabi (sallallahu alayhi wasallam), where he had abstained from acts which would have brought the displeasure of the masses. In the one incident, Allaah Ta`ala accepted the decision of Nabi (sallallahu alayhi wasallam) and in the other Allaah Ta`ala ruled to the contrary. The first incident was regarding the Hateem in the Kaabah Shareef. Due to shortage of funds, the Quraish had not incorporated the Hateem into the Kaabah when rebuilding it. (After conquering Makkah) Nabi (sallallahu alayhi wasallam) had intended to include the Hateem into the Kaabah, but since there were many inhabitants of Makkah Mukarramah who had recently become Muslim, that would have disliked this decision thinking that Nabi (sallallahu alayhi wasallam) had scant respect for the Kaabah by reconstructing it, he shelved his idea. Nabi (sallallahu alayhi wasallam) also thought that this would have weakened the Imaan of the new Muslims. On this occasion, Allaah Ta`ala accepted this decision of Nabi (sallallahu alayhi wasallam) and did not rebuke him (sallallahu alaihi wasallam).

The second incident where the censure and displeasure of the people was not taken into consideration was the incident regarding the Nikah to Hadhrat Zainub (radhiallahu anha). This is mentioned in the Qur`aan Majeed. Hadhrat Zaid bin Haarithah (radhiallahu anhu) had divorced her, and the thought crossed the mind of Nabi

(sallallahu alayhi wasallam) that the one way in which to console and please the family of Hadhrat Zainub (radhiallahu anha) was to marry her, but Nabi (sallallahu alayhi wasallam) stopped himself and did not pursue the matter, because Hadhrat Zaid (radhiallahu anhu) was his stepson, and stepchildren were considered to be one's own children. Nabi (sallallahu alayhi wasallam) thought to himself that if he marries Hadhrat Zainub (radhiallahu anha) then the non-believers would rebuke and malign him, accusing him of marrying his 'daughter-in-law'. This maligning would prevent many people from entering the fold of Islaam. Now, just have a look – this incident would also have brought disrepute to Nabi (sallallahu alayhi wasallam) and Islaam, just as the incident of the Hateem would have. But, in this case, Allaah Ta`ala did not consider this threat and instructed Nabi (sallallahu alayhi wasallam) to marry Hadhrat Zainub (radhiallahu anha) and not concern himself with the comments and opinions of the people. From these two incidents we realise that not every *mufsid* is to be considered and not every benefit is to strived for. Therefore in order to sacrifice a benefit or to avoid a *mufsid*, it is not the right of just anyone to deem a *Mubaah* act as Haraam or *Makrooh*. This is what Moulana Qaasim Sahib (rahmatullah alayh) had meant when he said that it takes a *Hakeem* (wise person) to discern and analyse such things, where he may rule that a valid act be abandoned or not. [*Ifaadhaat Yawmia, page 48, vol. 9, part 1*]

There was a difference between these two incidents, which resulted in the censure of the people being of consideration in the one and not in the other. All praise be to Allaah Ta`ala that the reason for this difference has come to mind – studying the Kitaab and Sunnat, this ruling is derived that the act, (even if it leads to sin or entails other harms), which in the eyes of the people is worthy of disgrace and censure, **but it is a Waajib act or it is something which is essential to the Deen, then it should not be abandoned for fear of the views of the people, and if that act is not Waajib or an essential in the Deen, then there is no harm if it is abandoned.**

Regarding the incident of Hadhrat Zainub (radhiallahu anha), the censure and rebuke of the masses was not taken into consideration and the deed was executed, because since Hadhrat Zaid Bin Haarithah (radhiallahu anhu) was the adopted son of Nabi (sallallahu alayhi wasallam), and in those days it was considered Haraam and taboo for a man to marry his stepson's divorced wife, therefore in order to clarify and correct this belief of the people, Nabi (sallallahu alayhi wasallam) was instructed to make Nikah to Hadhrat Zainub (radhiallahu anha).

It was necessary to make *tableegh* (teach) to the masses, and mere verbal *tableegh* in this case was insufficient, practical *tableegh* was needed here, **and to make *tableegh* is a Waajib duty in Islaam.** Therefore to make this Nikah was deemed a necessary part of Deen, hence Nabi (sallallahu alayhi wasallam) was not to consider the views of the masses. Contrary to the Hateem issue. This was not an essential part of the Deen to incorporate the Hateem into the Kaabah. It was only a desirable act, which had no essential objective attached to it. By incorporating it, no Shar`i benefit would have been realised or lost, hence the views of the people were taken into consideration here.

The crux of the matter is that disrepute is not taken into consideration in matters which are essential to the Deen, and in matters where no essential of Deen is at stake, one should abstain from disrepute.

When a person understands this explanation of mine, then all doubts should dissipate. [*Ifaadaat, page 48, vol. 9*]

Look at another example – when Nabi (sallallahu alayhi wasallam) invited the people to *tauheed*, how much of maligning and rebuke did he not experience. But did Nabi (sallallahu alayhi wasallam) abandon this call to *tauheed* due to this criticism? [*Ibid.*]

A third example is that of *Me`raaj*. Hadhrat Umme Haani (radhiallahu anha) caught hold of the blessed *chadar* of Nabi (sallallahu alayhi wasallam) and told him not to relate this incident to anyone, lest it becomes a subject of rebuke and criticism amongst the kuffaar. But, Nabi (sallallahu alayhi wasallam) did not heed the advice of Hadhrat Umme Haani, and he related this incident of *Me`raaj* because it was an essential part of the Deen and beliefs. In such cases, the rebuke of people is of no consequence.

Some points and important fiqhi usools of Hadhrat regarding a lecture series given in Lucknow in praise of the Sahaabah (radhiallahu anhum)

The Ulama in Lucknow had organised a lecture series to challenge the criticism levelled against the Sahaabah (radhiallahu anhum) by the *rawaafidh* (Shiahs), which only resulted in the criticism of the shiahs becoming even more intense. Some people had written to Hadhrat (Moulana Ashraf Ali Thaanwi Sahib), whose reply is worthy of reflection. A summary of this reply is as follows:

"It has been reported in Bukhaari, from Ibn Abbaas regarding the statement of Allaah Ta`ala, 'And neither raise your voice (excessively) nor soften it (thereby making it inaudible),' he said, 'This Aayat was revealed whilst Nabi (sallallahu alayhi wasallam) was in Makkah. When Nabi (sallallahu alayhi wasallam) used to raise his voice in recitation of the Qur`aan while performing Salaat with his Sahaabah, and the kuffaar would hear him, they would swear at the Qur`aan, He who had revealed it and the one who conveyed it. Allaah Ta`ala said to His Nabi (sallallahu alayhi wasallam), 'And do not raise your voice, that is, your recitation (of the Qur`aan Majeed), so that when the mushrikeen hear you they swear the Qur`aan and do not (also) be too soft (in your recitation when reading) to your companions. Opt for a path between this.'"

From this Hadith we note that the loud recitation of the Qur`aan Majeed by the Imaam in Jamaat Salaat is Waajib. When this recitation becomes a means of mocking and jeering by the kuffaar, then the tone of the recitation should not be so loud that it reaches their ears.

From this Aayat is also proven that when any act of Ibaadat becomes a means of sin, then to abandon that act of obedience becomes Waajib, because that thing which becomes a means of evil is also evil. It is a different matter in that place where an evil practice is already in vogue, and one has no ability to stop it, and then to carry out an act of Ibaadat (in that midst).

Sometimes people confuse the two issues and regard them both to be the same (in ruling). **This is the reason why Ibn Sireen (rahmatullah alayh) would not attend that Janaazah where men and women were mixed. Hadhrat Hasan (radhiallahu anhu) would oppose such an attitude** by exclaiming that we deprive ourselves of acts of obedience because of the presence of sin and evil, and that this is paving the way for the destruction of our Deen.

It is reported from *Shihaab Muqdasi* that the ruling of our Fuqahaa is that a necessary act of obedience should not be abandoned due to the presence of any bid`ah, like the invitation to a walimah is not accepted due to the some frivolity and entertainment which may be present there, or to abstain from attending a janaazah because of the presence of a *nauhah* (professional mourners). The correct way is to present oneself at these occasions and prevent the un-Islaamic activities which are contaminating the Ibaadat. This is if one has the power to stop it, otherwise one should adopt patience. This will be the case when one is not a follower of the participants in this occasion. If he is their follower, then he should not even attend. [*Shaami, page 134, vol. 1*]

"One should not abandon participating in a janaaza because a nawhah is in attendance. ***A Sunnat practice is never abandoned***

***because of the alliance of a bid`ah (with the Sunnat).*** *One should not confuse it with the issue of attendance at a walimah, even though some bid`ah is associated therewith. If a janaazah is not attended because of some attendant bid`ah, then this institution will die down. Contrary to a walimah, where if one person is not present to eat, then there are always many others who are present."* [*Majaalis Hakimul Ummat, page 283,4*]

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CHAPTER SIX

The definition of Sunnat

Sunnat is not only that which has been established from Nabi (sallallahu alayhi wasallam), in fact Sunnat is the predominant practice of Nabi (sallallahu alayhi wasallam), be it in the form of a (clear) instruction or something which is perceived (from his reactions). For example, Taraaweeh Salaat is classified as Sunnat-e-Muakkadah, and *ta`akkud* (emphasis) implies perpetuity. It is clear that there was no perpetuity in this act (by Nabi (sallallahu alayhi wasallam), rather it was a special temporary act. [*Al-Ifaadhaat, page 355, vol. 8*]

A verbal declaration on any matter from Nabi (sallallahu alayhi wasallam) is not sufficient to render it a Sunnat, in fact, that which was his predominant practice is a Sunnat, and not his occasional practices. [*Ibid. page 300, vol. 2*]

Types of Sunnat

Sunnat (according to its general definition) is that which **Nabi (sallallahu alayhi wasallam) carried out as a form of Ibaadat, besides this it would be classified as a *sunnan-e-zawaa`id* (extra Sunnats).** For example the **hair-style** of Nabi (sallallahu alayhi

wasallam) was his **personal habit** and not any act of Ibaadat, hence there is no doubt that keeping this style of hair is preferable (for the Ummat), but to keep **one's hair in another way would not be classified as contrary to the Sunnat.** [*Imdaadul Fataawa, page 224*]

Sunnat is of two types – *Sunnat-e-Ibaadat* and *Sunnat-e-`Aadat*. The general usage of the word 'Sunnat' would include only the first type. **Promises of reward and encouragement to practice implies to and refers to this type.** Practice on the second type would be a source of blessings and is a demonstration of one's love for Nabi (sallallahu alayhi wasallam). This second type does not form any essential part of the Deen and if its practice interferes with one's Deen and beliefs, then one should be stopped therefrom. [*Ibid. page 229, vol. 4*]

The ruling regarding Sunan-e-Zawaa`id and mustahibbaat

The ruling regarding the 'extra' Sunnats (*sunan-e-`aadiya*) and the Mustahab acts is that their **performance warrants reward and non-performance does not attract sin.** When one closely studies the *nusoos* then it will be noted that this is the ruling of these two deeds before they are performed, but after their commencement, the ruling changes. One ruling will apply to a specific application and another is general, which is not specific to its occasion of application. It is *Makrooh* to leave out and abandon that Mustahab act which has been made a perpetual habit, which one practices over a period of time. This is borne out by a Hadith in Bukhaari Shareef which is reported by Hadhrat Abdullah Ibn Umar (radhiallahu anhuma) who reports from Nabi (sallallahu alayhi wasallam) that he said, *"O Abdallah, don't be like so and so, who used to stand up at nights (in Ibaadat) and then he abandoned it."* Nabi (sallallahu alayhi wasallam) had displayed distaste and *karaahat* at this attitude of this person who used to regularly perform Tahajjud Salaat and

then abandoned it. **It is clear that after inculcating as a habit a Mustahab act it should not be abandoned. This is Makrooh.** [*badaa`i, page 150*]

The definition of reviving a Sunnat

Shah Abdul Qadir Sahib (rahmatullah alayh) once said to an Aalim (Molvi Ismail Sahib) to stop making *rafa` yadain* (lifting hands in various postures of Takbeer in Salaat) because it is a cause for unnecessary fitnah. Molvi Ismail said that if the fitnah of the masses is to be taken into account what then would happen to (the import of) the Hadith, *"He who holds fast to my Sunnat at a time of fasaad in the Ummah will receive the reward of 100 martyrs."* Upon hearing this reply, Shah Abdul Qadir (rahmatullah alayh) replied, *"We thought that Ismail had become an Aalim, but he does not understand the meaning of even one Hadith.* ***The application of this Hadith is when there is some act which is (being generally practiced) contrary to the Sunnat practice,*** *whereas the topic we are discussing (i.e. not making rafa` yadain) is not contrary to the Sunnat, in fact it is another Sunnat. Just as rafa` yadain is a Sunnat, so too is irsaal (not making rafa` yadain) is a Sunnat."* [*Bawaadirun Nawaadir, page 469, vol. 2*]

An appropriate and excellent explanation of Sunnat and bid`ah

It should be realised that whatever acts were innovated after the passing of the *Khairul Quroon* (best of eras) are categorised into two types: **one is that whose initiative is new and some *ma`moor behe* (essential ordered act of the Shariah) is dependant upon it, where without this (innovation) this faculty of Deen will not function effectively.** For example, the compilation and authoring of Deeni subject matter in book-form, the establishment of Madrasahs and *khanqahs,* etc. These things were not resent during the era of Nabi (sallallahu alayhi wasallam), and their initiative is new, and

some essential part of the Deen depends on (the initiation of) these acts.

Everyone is well aware that it is an essential and necessary requirement upon every (Muslim) individual to protect and safeguard the Deen. One should also remember that during the best of eras, such means (as these innovations mentioned above) did not exist, because there was no need for it. That era was permeating with blessings, and the memories of the Sahaabah (radhiallahu anhum) was so excellent that when they heard or observed Nabi (sallallahu alayhi wasallam) saying or doing anything, it remained embedded and etched in their minds. Their understanding and intellect was also such that there was no need for formal classes wherein prescribed lessons in Deen needed to be taught.

Following those eras, others followed wherein negligence and carelessness (in matters of Deen) became the order of the day, memories were weaker, people of deviated and personal views increased, etc., hence the Ulama discerned the gradual destruction of the edifices of the Deen. The urgent need arose to formulate methods to administrate (and safeguard) the structures of the Deen, together with all its facets. In this regard the Kitaabs of the Deen, Hadith, Usool-e-Hadith, Usool-e-fiqh, Aqaai`d, etc. needed to be compiled. Madrasah were established in order to teach these sciences of the Deen. In similar vein, the mashaa`ikh saw the need to establish *khanqahs* to revive and nurture the desire for *nisbat* and self-reformation. Besides these, there was no other means envisaged which would safeguard our Deen.

Hence these are such things whose *sabab* (reasons and causes) are new, and these *sababs* were not prevalent during the *khariul quroon*. These are also such matters upon which the existence and preservation of some essential Deeni matter rests. Hence these things may have the apparent hue and definition of *bid`ah*, but in reality they are not *bid`ahs*. In fact, according to the ruling of *Muqaddamatul Waajib Waajibun*, they are Waajib acts.

The second are category are those things whose reason (*sabab*) is old. For example, the *sabab* of *meelad, teeja, daswah*, etc. are all old. The reason for the establishment of *meelad* is expression of happiness at the birth of Nabi (sallallahu alayhi wasallam). This very *sabab* and reason was prevalent and also existent during the era of Nabi (sallallahu alayhi wasallam) and the Sahaabah (radhiallahu anhum), but it was never celebrated by any of them. Can we claim that, *Nauthubillah*, the minds of the Sahaabah (radhiallahu anhum) did not discern this? If the *sabab* was not present during their eras, then at least we could have said that they had no cause to do it. But since the reason for holding *meelad* was also prevalent during that time, and neither did Nabi (sallallahu alayhi wasallam) nor his Sahaabah (radhiallahu anhum) ever hold or encourage such activities, can we safely aver that this is a *bid`ah* – in word, definition and practically. Since these innovations fall under the scope of the Hadith, *"Whosoever innovates anything into our Deen, is not from amongst us."* That is, it is impermissible to participate and hold such gatherings.

This is the general ruling to recognise and distinguish between Sunnat and bid`ah. All corollary rulings can be deduced herefrom. [*Wa`azus suroor, page 27*]

The differences between Sunnat and bid`ah and the method in which to distinguish between the two

1. There is one other extraordinary difference between these two, and that is that the proposers and advancers of the former are (essentially) the elite (Ulama) and the *awwaam* (masses) are not included (as the initiators), whereas the advancers and initiators of the latter are the masses (who are like sheep). And it is also they who always participate and spend therein. The celebrations and initiation of *meelad* was originated by a king. **He was from the *awwaam* and this practice remains perpetuated by the *awwaam*.** [*As-suroor, page 27*]

2. I will show one way to recognise a bid`ah and that it is if the act is not established from the Qur`aan Majeed, Sunnat, *Ijma* or *Qiyaas*, and the participants deem it an act of the Shariah, then know that this is a bid`ah. After noting this definition, observe that *urs fatiha,* regarding any particular day as blessed and auspicious to make *isaal-e-tahwaab*, etc., etc. **are not established from any source of the Deen.** Are these acts not also regarded as part of the Deen? [*Wa`az Taqweem, page 29*]

3. Another yardstick in recognising that a bid`ah is evil is to observed whether more of its participants are Ulama or the masses. The Bid`ati leader will not spend of his own wealth. Yes he will be present at the meals. Such functions are more frequented by the ignoramuses. There is no prestige and honour of the bid`ah in the hearts of the Bid`ati Ulama.

Those things which we hold in esteem and deem desirable, we participate therein, even if it means spending from our wealth, like *qurbaani*.

And then also we should observe the masses (who attend these functions) --- how many of them are Deeni-conscious and how many are not? Very few may be pious, but they do little, and **the majority are *faasiq* and *faajir* (open sinners and transgressors).** [*Hasnul Azeez, page 330, vol. 2*]

Innovations for Deen or innovations in Deen?

The reality of bid`ah is that it is such **an act which is done thinking it to be part of the Deen.** If it is done thinking it to be a treatment (for some spiritual ailment), then how can it be called a bid`ah? Hence, the one is an innovation for the (benefit of) Deen and the other is an innovation in (to the detriment of) the Deen. The

innovation for the Deen would be classified a Sunnat and the innovation in the Deen a bid`ah. [*Al-Faadhaat, page 308, vol. 2*]
A person levelled an objection saying that the (concept of) times and timetable which we have scheduled and prepared were not practiced during the *khairul quroon*, hence this will be classified as a bid`ah.

If bid`ah is to be classified as these people understand it that whatever did not exist during the *khairul quroon* is a bid`ah, then during the *khairul quroon* he was also not yet in existence, hence he should be classified a bid`ah. These poor souls do not understand the definition of bid`ah.

These time schedules and tables are not part of any belief or ibaadat, hence their being or not being in the *khairul quroon* does not include it into the category of bid`ah. [*Ibid. page 125, vol.2*]

The necessity for any act to have been present during the *khairul quroon* will be when the act is one of Ibaadat. **If the act is merely one of administration or regulation, then it will not be a bid`ah** (even if it was not existent during the *khairul quroon*). One such Hadith has been added in *Hayatul Muslimeen* which was taken from *Shamaa`il Tirmidhi*, wherein regulation in the daily life of Nabi (sallallahu alayhi wasallam) has been reported. This Hadith appears in the eighth part. [*Ibid. page 134, vol. 2*]

To exceed the limits in a non-Shar`i or mandoob act, or to make takhsees or ta`yeen would also be included as a bid`ah

It has been narrated by **Hadhrat Hasan (radhiallahu anhu) that Hadhrat Uthmaan bin Abi `Aas (radhiallahu anhu) was called to the *khatna* (circumcision) of someone, and he refused the invitation.** When asked about it he replied that during the era of Nabi (sallallahu alayhi wasallam) they would not attend a *khatna*

neither were they called to it. This narration appears in *Musnad Ahmad*.

From this we realise that the Sahaabah (radhiallahu anhum) disliked the invitations to such occasions which are not established from the Sunnat. They even refused to attend such gatherings.

The secret to this is that an invitation to any occasion places some sort of importance or significance to that which one is invited to, because arrangements are being prepared for it, and to make special arrangements for anything which the Shariah has not, would be classified as an innovation in the Deen. This is the reason why when **Hadhrat Ibn Umar (radhiallahu anhu) saw that the people were gathering in the Musjid to perform their *Chaasht* (*Duhaa)* Salaat, he criticised them and labelled this a bid`ah.** Based on this, the Fuqahaa have said that it is Makrooh to make Nafl Salaat in congregation. To regard and believe an unimportant matter to be important and place great emphasis upon it, or to become dogmatic and rigidly practice on such matters, such that one regards and accommodates it to the level of Faraa`idh and Waajibaat or even more, and then to censure and criticise those who do not participate therein, are all contemptible acts. Theses are the essences of bid`ah.
Allaah Ta`ala has stated that those people who exceed the limits placed by Him are the oppressors.

Hadhrat Abdullah Ibn Mas`ood (radhiallahu anhu) stated that it is necessary upon every person that he not allocate a part of his Salaat to shaitaan, by always turning to his right side after Fardh Salaat (i.e. deeming this to be necessary). He says that he saw Nabi (sallallahu alayhi wasallam) sometimes turn to his left side. [*Bukhaari / Muslim*]

Teebi, the commentator of *Mishkaat Shareef* has stated that it is proven from this Hadith that the person who persists and is dogmatic on a *Mustahab* act, such that he deems it necessary and

binding and never practices to its contrary, then such a person has apportioned a share of his ibaadat to shaitaan (i.e. he has lost the blessings of his ibaadat). What then can be said of that person who persists and rigidly practices on bid`ah, un-Islaamic and detestable acts?

The author of *Majma`* has stated that it is proven from this Hadith **that a *mandoob* act also becomes *Makrooh* when there is a fear that it is elevated in rank.** This is the reason why the Hanafi Fuqahaa have stated that it is Makrooh to stipulate fixed Surahs for Salaats, regardless of whether this is done believing it to be part of the Shariah or rigidly in practice. [*Tareeqah Meelad Shareef, page 7* and *11*]

How a Mustahab becomes a bid`ah

I do not say that Mustahab is bid`ah. To regard it as necessary and binding is bid`ah. If anyone regards a Mustahab act as Waajib, then is this not bid`ah? Necessary, obligatory and Waajib all have the same meaning. [*Husnul Azeez, page 676, vol. 1*]

To deem an un-obligatory act as obligatory is a deviated bid`ah. To censure and rebuke those who oppose or do not practice it, merely confirms its bid`ah status. [*Imdaadul fataawa, page 340, vol. 5 / page 306, vol. 5*]

To regard the distribution of sweetmeats as necessary is a bid`ah. The Fuqahaa have written that if there is *fasaad* in a Mustahab act, then it becomes necessary to abandon that Mustahab act. [*Husnul Azeez, page 676, vol.1*]

Is it not a bid`ah to regard a non-Waajib as a Waajib? Does this not fall under the scope of the definition of bid`ah? [*Al-Ifaadhaat Yawmia, page 116, vol. 8, part 1*]

The four types of bid`ah and Sunnat, and the explanation of bid`ah-e-hasana, bid`ah-e-sayyi`a, haqeeqiya and sooriya

"It is stated in Raddul Muhtaar, 'The Sunnats of wudhu: That thing upon which Rasulullah (sallallahu alayhi wasallam) and the Khulafa-e-Raashideen, after him, were constant upon are Sunnat, otherwise it is Mandoob. It is reported in Durrul Mukhtaar under the discussion of intention (Niyyat) that verbal statement is Mustahab, that is the preferred opinion, and it is said that this is Sunnat, i.e. the Salf preferred this or it is a Sunnat of our Ulama, since it is reported from neither Nabi (sallallahu alayhi wasallam), the Sahaabah (radhiallahu anhum) nor the Tabieen…

"It is reported from Durrul Mukhtaar: The Ahkaam of Imaamat and the Mubtadi`u (person who indulges in bid`ah), that is (the one who) believes contrary to the accepted (rulings) of The Rasool, not in opposition or resistance, rather with a type of doubt…and Mandoob, like innovations similar to Madrasah…'"

From the above excerpts the following matters are clarified:

Firstly, there are numerous implications of Sunnat:

1. That which is reported from Rasulullah (sallallahu alayhi wasallam)

2. That which is reported from Rasulullah (sallallahu alayhi wasallam), the Khulafa-e-Raashideen, as is mentioned in the *ibaarat* (text): *"That thing upon which Rasulullah (sallallahu alayhi wasallam) and the Khulafa-e-Raashideen, after him, were constant upon are Sunnat"*

3. That which is reported from Rasulullah (sallallahu alayhi wasallam), the Sahaabah (radhiallahu anhum) or the Taabieen, as is deduced from the *ibaarat*: *"since it is reported from neither Nabi (sallallahu alayhi wasallam), the Sahaabah (radhiallahu anhum) nor the Tabieen"*

4. That which is reported from the Ulama, as is deduced from the *ibaarat: "or it is a Sunnat of our Ulama."*

A few meanings of bid`ah have also been deduced from this texts:

1. That which is not reported from Rasulullah (sallallahu alayhi wasallam)

2. That which is not reported from Rasulullah (sallallahu alayhi wasallam) or his Khulafaa-e-Raashideen

3. That which is not reported from Rasulullah (sallallahu alayhi wasallam), his Sahaabah (radhiallahu anhum) or the Tabieen
4. That which is not reported from the Ulama. [*Bawaadirun Nawaadir, page 778*]

In reality there is only type of Sunnat and bid`ah

This multitude is merely on the apparent, otherwise in reality there is only one definition of Sunnat, and that is: *It is the practicable path in Deen as stated after the former ibaarat*. All these meaning incorporate the definition of Sunnat. The meaning of bid`ah is: *Belief in that which is contrary to the accepted (well-known practices of) Rasulullah (sallallahu alayhi wasallam), not in opposition or resistance, rather with a type of doubt*. (The practice which opposes the *nass*, if it is done with doubt and uncertainty (misinformation/ignorance), then it is bid`ah, otherwise it is clear-cut *fisq* and transgression, without any doubt). Or in other words, *That which has been innovated contrary to the Haqq which has been*

established from Rasulullah (sallallahu alayhi wasallam), in respect of knowledge, practice or conditions…As it is stated in Durrul Mukhtaar, and this is the true meaning for bid`ah, as borne out by the statement of Nabi (sallallahu alayhi wasallam), 'He who innovates anything in our Deen, is not from amongst us.'"

Hence *Sunnat-e-Haqeeqi* and *Bid`ah-e-Haqeeqi* cannot be combined or united. However, *Bid`ah-e-Sooriya* can be coupled with *Sunnat-e-Haqeeqi*. In this regard, the verbal intention for Salaat is also called a Sunnat. There are some things which may be contrary to the Sunnat, hence they are called bid`ah but regarded as *hasan* (good/desirable). There are some examples of a clear combination between some types of bid`ah and *Sunnat-e-Haqeeqi*, and this is borne out by the statement of Hadhrat Umar (radhiallahu anhu) when he once said, *"What a good bid`ah!"*

At this juncture we realise also that the *bid`ah-e-hasana* which some personalities have negated is restricted to just a difference and altercation in words and definitions, because those who have negated it have defined bid`ah in its *haqeeqi* sense, whereas the claimants (to the validity of *bid`ah-e-hasana*) have defined it in its general sense.

The limits of sunan-e-`Aadiyah and sunan-e-`Ibaadiya

One person once asked if the rearing of sheep/goats is Sunnat or not? The reply was that yes it is a Sunnat, but it is a *Sunnat-e-`Aadiya* and not a *Sunnat-e-Ibaadiya*, and the object of is *Sunnat is Ibaadat*. Nevertheless, the practicing of *Sunnat-e-`Aadiya*, if it is executed with love and affection (for Nabi - sallallahu alayhi wasallam), then it is also worthy of rewards. **There must not be extremity and excessiveness in *sunan-e-`aadiya*, where it is brought to the level of an ibaadat.** Some people exhaust all the energies in researching these issues – how big was the *`asaa* (stick)

of Nabi (sallallahu alayhi wasallam), how long his turban was, etc., etc. If a true lover of Nabi (sallallahu alayhi wasallam) makes these enquiries and his desire is the result of pure love, then this is one thing, but most people who are involved in these types of issues are such that they neglect the necessary requisites of the Deen and regard this as their main objective and aim. If this type of excessiveness continue then it will result in the destruction of the Deen. Everything should be kept in its proper perspective.

The ruling regarding *Sunnat-e-Ibaadat* is that if there is a fear of it causing *fasaad* in the beliefs of the masses, then it becomes Waajib to abandon a Mustahab act. In this regard, it was the blessed habit of Nabi (sallallahu alayhi wasallam) to regularly recite Surahs *Alif Laam Meem Sajdah* and *Dahar* for the Fajr on Jumuahs, but Imaam Abu Hanifah (rahmatullah alayh) has decreed it Makrooh to recite these two Surahs (every) Friday Jumuah. For this reason many ignoramuses have levelled the criticism of Imaam Abu Hanifah (rahmatullah alayh) acting contrary to the Sunnat. [*Al-Ifaadaat, page 98, vol. 19*]

I ask: whatever food Nabi (sallallahu alayhi wasallam) partook of as a habit, will it be classified as *`aadatan* (a habit) or *ibaatatan* (an act of ibaabat)? It is clear that it was eaten as *ibaatatan*. Hence, to imitate the habits of Nabi (sallallahu alayhi wasallam) is not Waajib in the Shariah, neither is leaving them out sinful.

One has the choice of appeasing the taste in matters of habit. Some of the noble habits of Nabi (sallallahu alayhi wasallam) are such that we will never be able to imitate or bear, therefore the Shariah has not made it incumbent to follow the noble habit of Nabi (sallallahu alayhi wasallam). Yes, if someone has the desire and good fortune of being able to inculcate the noble habits of Nabi (sallallahu alayhi wasallam), then undoubtedly there is great virtue in that. However, one does not have the right to rebuke others for not doing so. [*At-Tableegh, page 255, vol. 20*]

The two types of *Uswai-e-Hasana* (models/patterns of Nabi - sallallahu alayhi wasallam) – verbal and practical

It is stated in the Qur`aan Majeed, *"Indeed there is for you in the (lifestyle of the) Rasool of Allaah, a beautiful model."* Allaah Ta`ala is indicating to us that He has placed an excellent example for us to follow in the life of Nabi (sallallahu alayhi wasallam). What is the object of giving a model? So that its likeliness may be prepared.

It is a further grace of Allaah Ta`ala that there is no difficulty and inhibition in this model. Two types of model are given – a practical and verbal one. It is a pure mercy of Allaah Ta`ala upon this Ummat that He has granted so much of latitude and not the slightest bit of constriction.

Objection: The examples set for us by Nabi (sallallahu alayhi wasallam) is to be followed to the letter. For example, Nabi (sallallahu alayhi wasallam) mostly partook of barley bread, and he led a life of pure simplicity, where he never procured a home or kept (extra) money, whereas we neither eat like him nor suffer like him. We even don the best of clothing. We have lavish and spacious homes, we save money, etc. Yet the Ulama say that all this is permissible. What is the explanation to our following this example and model of our beloved Nabi (sallallahu alayhi wasallam)?

Reply: The answer to this is that there are two types of models – *qowli* and *fe`lee*. *Fe`lee* is of a particular form and *qowli* falls within the ambit of the Shariah. It is impermissible to go beyond it. However, there is much latitude within it. We were shown the limits of the deeds of obedience, which should not be exceeded. We have also been granted latitude to manoeuvre as much as is permissibly possible. This is Waajib and obligatory. The *ush-shaaq* (lovers of Nabi - sallallahu alayhi wasallam), have taken the practical model and noted what Nabi (sallallahu alayhi wasallam) ate, drank, how he led his life, etc., etc. But for people like us there is scope and latitude, that we can fulfil our needs within the ambit of the Shariah. However, we also need to take note of the limits of the Shariah and not exceed them. In every act, we should take note of the limits of the Shariah. **As long as one remains within the limits of the**

Shariah, the it will be deemed as also having followed the model. [*Huqooquz Zawjain, page 460*]

The laws regarding leaving out the sunan-e-`aadiyah and sunan-e-ibaadiya and when they become impermissible

The *sunan-e-`aadiya*, like simple clothing, barley bread, and all other such habits of Nabi (sallallahu alayhi wasallam), if for any reason due to them the objective is lost (i.e. it interferes with one's ibaadat), then they should be abandoned, **because the *sunan-e-`aadiya* are not objectives in themselves.**

In fact, there are even occasions where the *sunan-e-ibaadat*, are to be left out if they are the cause of some harm. For example, the Sunnat of Tahajjud is 8 rakaats, now if a person who gets up with difficulty and performs this eight Rakaats, but sleep overwhelms him such that he falls off to sleep and misses his Fajr Salaat with Jamaat, then to such a person it will be told that he only perform two Rakaats of Tahajjud and sleep away, so that he may awaken for Fajr in time. Since six to eight Rakaats are amongst the *sunan-e-ibaadat* for Tahajjud Salaat, but if a person exceeds this, then the objective (other more important ibaadat) is lost and **it (this excessiveness) should be abandoned.**

This is the reason why if it is known regarding the conditions of a certain person, that if he undertakes the journey of Hajj, he will not be able to maintain and be diligent in performing Salaat, **then he will be prevented from going for Hajj.** If there is an overwhelming fear that even one Fardh Salaat of a person will become Qadha whilst on the **journey for a Nafl Hajj, then it will not be permissible for him to undertake that journey.** When the Hajj will be a cause for some Deeni harm, where another Fardh duty is

neglected, then it is clear that instead of this Hajj bringing one closer to Allaah Ta`ala, it takes him further away.

Another example is that if for example a person has to eat barley bread, which may cause his stomach to pain. Then the love which a person has for the Sunnat of Nabi (sallallahu alayhi wasallam) will no longer remain that, rather it may become a dread, and there is a real fear that (a person will think that) by practicing upon an excellent Sunnat causes stomach-ache. Today, it is due to the *mutashaddideen* (those who adhere doggedly to something), that people have acquired a dislike for and are being distanced from the Sunnat and the Shariah.

In summary, the *sunan-e-`aadiya* and *ibaadiya* are impermissible for that person to whom there may be harm caused to his (more important and primary) Deeni duties. [*At-Tableegh, page 74-8*]

The two ways of following the Sunnat

The actions of Nabi (sallallahu alayhi wasallam) are categorised into two classes – one is his acts of ibaadat and the other is regarding his noble habit (*aadat*). **The former requires following and not necessarily the latter.** If anyone does imitate the latter, then it will be a display of affection and love.

There is a *soori* (in form) and *haqeeqi* (real) way of obedience. To bring the actual instruction into practice, without considering the *illat* is *ittibaa*` (obedience/following) in *soorat* and to practice upon it taking the *sabab* and *illat* into consideration is *ittibaa*` in *haqeeqat*.

These two ways of *ittibaa*` were also found in the Sahaabah (radhiallahu anhum). During the course of the expedition of the Bani Quraidha, when Nabi (sallallahu alayhi wasallam) was seeing a group of the Sahaabah (radhiallahu anhum) off, he said to them,

"Perform your Asr Salaat when you reach there." It so happened that after much effort the Sahaabah (radhiallahu anhum) could not make it to reach their destination before Asr Salaat. The time for Asr entered whilst they were still on their journey. This led to the Sahaabah (radhiallahu anhum) breaking up into two groups – the one group performed their Salaat on time and said that the object of Nabi's (sallallahu alayhi wasallam) advice was that they should perform their Asr Salaat at the destination *if* they reached there on time, and not to perform it (only) there regardless of when they reached. The other group said that they will follow Nabi's (sallallahu alayhi wasallam) instruction to the letter and only perform their Salaat upon reaching the destination. They therefore performed their Salaat upon reaching their destination and not on the way.

When Nabi (sallallahu alayhi wasallam) was informed of this occurrence, he accepted both views. In this incident, the first group made *haqeeqi ittibaa`* and the second *soorat ittibaa`*.

The definitions of bid`ah-e-hasana and bid`ah-e-sayyi`a

The comprehensive ruling regarding this is that any matter which is neither in part or whole from the Deen, and it is forced onto the Deen based on some flimsy doubt, then it is a bid`ah.

The proof of this is in the authentic Hadith, *"He who innovates something into our Deen, which is not part of it, is rejected."* The words **من** (from) and **في** (in) are clear indicatives, and a *haqeeqi* bid`ah always remain a *bid`ah-e-sayyi`a*. A *bid`ah-e-hasana* is a bid`ah in outer form (definition) only. It reality, owing to some (Shar`i) factor it can be classified a Sunnat. [*Imdaadul fataawa, page 285, vol. 5*]

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Part 2

The definition of Iltizaam ma laa Yalzimu (making incumbent upon oneself that which is not compulsory)

***Dawaam* (perpetuity) is not prohibited.** *Iltizaam-e-I`tiqaadi* and *amali* is prohibited. *Iltizaam-e-I`tiqaadi*is to believe something to be binding and *Iltizaam-e-amali* is to censure ad rebuke others who do not participate therein. [*Ibid. page 308, vol. 5*]

The definition of *Iltizaam ma la Yalzimu* is clear from its definition. There are, however, two types. If it is believed to be a part of the Deen, then its gravity is worse. If it is not regarded as part of the Deen, but it is just as rigidly practiced as the other obligatory acts of Deen, then too it is bad, but not as bad as the former type. For example the censure of *riyaa* (show) which has been reported in the *nusoos*.

Here also there are two types; the first is in Deeni actions, this is the worse of the two and the other is regarding worldly actions, which is also censured. The following warnings are sounded, *"The one who dons the garments of show, Allaah will let him don the garments of disgrace in the hereafter."* Those permissible acts upon which a person is constant is not included here. [*Imdaadul Fataawa, page 326, vol. 5*]

A simple definition of *Iltizaam-e-I`tiqaadi* would be to take as obligatory that which is not. [*Ibid. page 327, vol. 5*]

Luzoom-e-amali (making necessary a deed) comes about with continuous repetition and excessive practice (of the deed). [*Anfaas Isa, page 634*]

The proof for the prohibition of Iltizaam-e-I`tiqaadi

The proof for this appears in the Qur`aan Majeed, Sunnat and Kitaabs of Fiqh: *As for The Kitaab, the statement of Allaah Ta`ala, "Do not make Haraam the pure things which Allaah had made Halaal for you, and do not exceed the bounds", together with its sabab-e-nuzool (reason of revelation). As for the Sunnat, is the Hadith of Ibn Mas`ood (radhiallahu anhu) where people only turn to their right side (after Salaat), and as for Fiqh, as they have mentioned the abomination of stipulating and fixing a specific Surah. And Allaah Ta`ala knows best.* [*page 470*]

The difference between iltizaam (making necessary) and dawaam (perpetuity)

Dawaam is one thing and *Iltizaam* another. With *dawaam*, one's beliefs and making the matter obligatory does not feature throughout one's life. With *Iltizaam*, one's beliefs are attached to the act and one doggedly persists on practicing it. A sign of this is when the non-participants (in this particular act) are censured and rebuked.

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Part 3

The discussion on customs and the definition of rasm (customs)

A *rasm* is not only that which is attached to wedding ceremonies and other functions and celebrations. **In fact, to render any unnecessary thing necessary is called a *rasm*.** Whether it may be regarding a function/ceremony or an everyday occurrence. [*Kamaalaat Ashrafiyya, page 325*]

The ruling regarding rasm and iltizaam in worldly matters

The meaning of *iltizaam* is not merely making something necessary upon oneself, in fact, it is to deem as a fault and censurable to leave it (the particular act) out. It is clear that this falls under exceeding the limits of the Shariah. This prohibition is confirmed in the *nusoos* by the words **لا تعتدوا** *(do not exceed the bounds). Iltizaam* is the established *sabab* of this exceeding, hence this is also prohibited. Another objective of this excessiveness is show and pride, whose prohibition is *mansoos*, just as the clothing worn for show has been prohibited. [*Imdaadul Fataawa, page 330, vol. 5*]

The yardstick between a rasm and a non-rasm

When there is no intention of a *rasm* nor is it executed in the manner of those who practice *rasm*, then it is not a *rasm*, neither *haqeeqatan* nor *sooratan*. This is the yardstick to distinguish the difference. [*Imdaadul Fataawa, page 571, vol. 4*]

The prohibition of excessiveness in Deen

There is no consent from the Shariah to exercise excessiveness in the Deen. It is mentioned in the Qur`aan Majeed, *"O people of the Book, Do not be extreme in your Deen"* and *"Do not make Haraam that which Allaah had made Halaal"*. It is stated in one Hadith that three persons presented themselves at the home of Nabi (sallallahu alayhi wasallam) and enquired from some of his pure wives regarding his blessed lifestyle. When they were informed, they exclaimed, *"How can we ever compare ourselves to Nabi (sallallahu alayhi wasallam), when all his sins, past and future and all his mistakes are forgiven. When will we ever attain this blessing?*

It is therefore necessary that we strive earnestly and make great mujaahadah." One of them said that he will not make Nikah, the other said that he will make so much of ibaadat that he will not sleep and the last said he will keep continuous fast and not make iftaar. When Nabi (sallallahu alayhi wasallam) returned home, he was informed regarding these three persons and he disliked their attitude. He exclaimed, *"Remember! I also sleep and I keep awake, I make Nikah, eat and fast. Understand well that this is my way and the person who does not follow my way, does not have any connection to me."*

Just look what a stern warning Nabi (sallallahu alayhi wasallam) sounded for those who intended excessiveness in Deen, that he expelled them from having any connection to him.

Similarly, there is another incident where Nabi (sallallahu alayhi wasallam) entered the Musjid and saw a rope hanging between two pillars. Nabi (sallallahu alayhi wasallam) enquired about it and the Sahaabah (radhiallahu anhum) replied that it was the rope of Hadhrat Zainub (radhiallahu anha), who used it to lean on when she became excessively tired from performing Nafl Salaat. Upon hearing this, Nabi (sallallahu alayhi wasallam) immediately had the rope removed and said that the soul should not be subjected to such severity. He said that if sleep overcomes you, then sleep, and when you are refreshed, then continue with whatever work you are doing.

This is the Shariah. The Fuqahaa have understood the Aayats and the Ahaadith well.

The two levels of permissibility

Permissibility has two levels. The one refers to those acts which are permitted, and they have no importance in the Deen and acts of obedience, like treatment for illnesses or leaving it out. The second

level refers to those which have some relationship to Deen and acts of obedience.

Its recognition is that it has been given importance and encouragement in Deen, like Nikah, whose emphasis has been reported (in the Hadith) and abandoning it without valid cause has been warned against. This is clear proof that it is part of ibaadat and obedience. [*Imdaadul fataawa, page 270, vol. 2*]

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CHAPTER SEVEN

DISCUSSION ON USOOLS

Part 1

The discussion on urf (common law) and riwaaj (customs)

The basis of adab (etiquette) is urf

Etiquette is based on common law (general practice of the society). That is the reason why it changes with the changing of times. (An occasional) Humour in the relationship between Nabi (sallallahu alayhi wasallam) and the Sahaabah (radhiallahu anhum) has been established, **however nowadays it is regarded as unethical and against proper etiquette to be humorous with a *buzrug* (pious person).** [*Anfaas Isa, page 48*]

It is impermissible, based on urf to call a father 'barkhudaar' (lad / one who enjoys a prosperous life)

It is permissible for a father to benefit and enjoy from his son's wealth. However it is not permissible for the son to start referring to his father as *barkhudaar*. Although the meaning and import may be the same and not necessarily derogatory, but since this term is generally used to describe a son, it will be impermissible according to the *urf* to use it to refer to the father. It will be deemed unrespectable. [*Ifaadaat, page 150, vol. 10*]

Instead of Shukr (expressing thanks), or saying Jazaakallah, to say Tasleem

If someone is given something, then the recipient, if he is younger, says *"Tasleem"* as a form of gratitude, because sometimes the elders deem it disrespectful if they are told *"Jazaakallah"*, and also to say *"Tasleem"* instead of *"Assalaamualaikum"* is contrary to the Sunnat, so what should one do?

The usage of the term *'Tasleem'* does not imply *salaam*, in fact, it is a form of terminology which is used instead of *shukriya* (expressing thanks), and there appears to be no harm in it. To say *'Assalaamualaikum'* on such occasions would be out of context, anyway. [*Da`wat Abdiyat, page 152, vol. 19*]

Based on urf, habits and bid`ahs also hold the rank of being Sha`air Islaam (signs of Islaam)

A person raised an objection against Moulana Khalil Ahmad Sahib because he issued a fatwa stating that slaughtering a cow is amongst the *Shi`aar* of Islaam, whereas this is merely amongst the *`Aadaat* (common habits). Moulana Sahib replied that why in the Hadith in Saheehain, *"He who performs Salaat like us, and faces our qiblah and eats our sacrifices…"* does the part *'eats our sacrifices'* appear? **This proves that some *Aadaat* also become *shi`aar* of Islaam owing to certain factors.** [*Da`wat Abdiyat, page 100*]

Why do the rulings change because of changing urf and riwaaj

The Fuqahaa-e-Kiraam have in certain instances issued different rulings based on the *urf* of the time. The reason for this is that the rulings are connected to *haqeeqat*, and the *haqeeqat* of a ruling does not change with the changing of the *urf*, the *urf* merely changes the form of the *haqeeqat*. This form is not the basis of the ruling. For example, regarding the Aayat, *"And do not say to them (parents) 'Oof'"*, the Fuqahaa have written that the *haqeeqat* of the prohibition in this Aayat is (not to cause) hurt and pain (to one's parents). Hence in that society where the word 'Oof' denotes disrespect and causes hurt and pain, its usage will be Haraam, **whereas in that society where this word does not cause any effect, its usage will not be Haraam.** Therefore **the ruling of causing harm and pain still remains intact,** and in that context where there is no hurt caused, the ruling will not apply. Hence, in that society where a word may be derogatory, its usage would be Haraam and in the society where the same word does not have this effect, its usage will not be Haraam. [*At-Tableegh no.9, page 66*]

Tashab-buh bil kuffaar (imitating the non-believers) is also based on urf

Those customs and habits **which have a special and specific connection to the kuffaar, where it is a sign of their belief/religion,** and if such acts are regarded in society as being part of their religion, then to imitate this would be (tantamount to) kufr. Based on this *asl* the Fuqahaa have ruled that *shidd-e-zinaar* (tying a type of thread on the body, which the Hindus do), is also kufr, otherwise it is imitation of the kuffaar, which leans towards the

religious customs of the kuffaar. This is the *sabab* for its being Haraam and sinful. Allaah Ta`ala says, *"And do not lean towards those who oppress."* [*Bawaadirun Nawaadir, page 878, vol. 2*]

The usage of singular tense to describe Allaah Ta`ala, and the respect for the Qur`aan Majeed is also based on urf

It is not contrary to use the singular tense to describe Allaah Ta'ala, because firstly this *urf* has become general and etiquette and respect are based on *urf.*

Otherwise everyone should remain silent at the witticism of Moulana Ismail Sahib, as he had silenced an Aalim. He asked this Aalim if it was permissible for someone to be sitting on the bed reciting the Qur`aan Majeed whilst it was on its stand and a second person sits on a couch with his feet dangling?

This Aalim replied that it was impermissible because this was disrespectful to the Qur`aan Majeed. To this Moulana Ismail Sahib further asked what if someone stood up in front of the Qur`aan Majeed? The Aalim replied that this was permissible. Moulana Ismail asked him what the difference between the two scenarios was. If the disrespect in sitting on the bed was due to the feet, then when standing the feet are on the ground, and if the disrespect was due to the Qur`aan Majeed being lower than the buttocks, this situation is even more accentuated when standing. The Molvi Sahib was stunned and remained silent. **If he was a Faqeeh he would have replied that etiquette and respect is based on *urf* and according to the *urf,*** the first instance was deemed disrespectful whereas the second not. Nevertheless, etiquette is based on *urf.* The Fuqahaa had understood this well. [*At-Tableegh, no. 9, page 66*]

Is it disrespectful to place the Qur`aan Majeed on the mimbar or not?

A person once placed the Qur`aan Majeed on the centre step of the mimbar in the *khanqah*, to which Hadhrat Moulana Ashraf Ali Sahib remarked that it was disrespectful, because the *Khateeb* (person who gives the khutbah) places his foot on that step. This disrespect would hold even if the Qur`aan Majeed was covered in its *juzdaan* (covering) and placed on the step. If there was some cloth on the step and the Qur`aan Majeed was placed thereon, then it would not be disrespectful.

However, if the Qur`aan Majeed was not covered in its *juzdaan* and it was placed on top of it on the step and there is no cloth on the step, then too it will not be disrespectful, because it will be said that the Qur`aan Majeed is on its *juzdaan*. If the Qur`aan Majeed were to be covered in its *juzdaan* and then placed on the step, then it will not be said that the Qur`aan Majeed is on its *juzdaan*, rather it will be said that the Qur`aan Majeed is on the step, and this is contrary to proper etiquette, hence impermissible. An example to demonstrate this would be if a person places his *lungi* (loincloth) on the ground and sits on it, it will be said that he is sitting on the *lungi*, contrary to if he was to be wearing the *lungi* and then sat on the ground, it will then be said that he is sitting on the ground, whereas (technically speaking) the *lungi* will still be between his body and the ground.

Rule: The basis of *adab* (respect/etiquette) is *urf*. That is, if any action may be permissible, **but in (a certain) society/context it is deemed disrespectful or uncouth, then it will be ruled as such in the Shariah.** [*Ifaadaat, page 152, vol. 10*]

The proof for urfi adab

When Nabi (sallallahu alayhi wasallam) migrated to Madinah Munawwarah, he stayed at the home of Hadhrat Abu Ayub Ansaari (radhiallahu anhu), who stayed on the top floor and Nabi (sallallahu alayhi wasallam) stayed on the bottom. One night he reflected and felt ashamed that he live on the top floor and Nabi (sallallahu alayhi wasallam) on the bottom. He deemed this uncouth and disrespectful. He immediately took his family and the next morning he approached Nabi (sallallahu alayhi wasallam) and requested that they change floors, because he felt it unethical. Accordingly, Nabi (sallallahu alayhi wasallam) moved to the top and he stayed at the bottom.

This incident proves that it is permissible to keep an honourable and sacred thing at the bottom, because Nabi (sallallahu alayhi wasallam) did not object to staying on the bottom floor, but this was not appropriate and ethical according to the Hadhrat Abu Ayub (radhiallahu anhu). [*Hasnul Azeez, page 109, vol. 4*]

Urfi Adab is sometimes supersedes an instruction

Sometimes an *amr* comes for *wujoob*, and *adab* prevents it. Nabi (sallallahu alayhi wasallam) had instructed Hadhrat Ali (radhiallahu anhu) to erase his title (of Rasulullah) from a document. This was a clear-cut obligatory instruction, but Hadhrat Ali (radhiallahu anhu) humbly refused (out of respect) saying that this was beyond him. [*Hasnul Azeez, page 109, vol. 4*]

This incident also proves *urfi adab*.

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Part 2

The discussion on tashab-buh (imitating other nations)

The mas`alah of tashab-buh is established from the Qur`aanic nass

It was once overheard from some students of Deoband Madrasah who mentioned that the Hadith, *"The person who imitates a nation is amongst them"* is weak. I said that I have not researched the *sanad* of this narration but I can prove its subject matter from the Qur`aan Majeed. This mas'ala is proven from the Qura`aanic *nusoos.* Allah Ta`ala said *"And do not lean towards those who oppress, thus The Fire will afflict you."*

From this it is proven that to **incline towards the people of *baatil* is Haraam,** and together with this there is another ruling that ***tashab-buh* is not possible without inclining the heart.** Wherever *tashab-buh* is found inclination is always attached to it. That is there is inclination towards that which is being imitated. **First comes the inclination, thereafter follows the imitation.** The thing (which is being imitated) is honoured and a liking for it is acquired whereafter the inclination follows. Therefore, since inclination is Haraam so to is imitation. Some people classify this Hadith as weak, but the Aayat cannot be weak. [*Ifaadaat, page 326 vol.8]*

The proof of the prohibition of tashab-buh in the Hadith

Just see, Nabi (sallallahu alayhi wasallam) **had prohibited calling *Esha*, *Atma*, whereas this was a valid word in use.** However since this word was common amongst the people of ignorance, hence

Nabi (sallallahu alayhi wasallam) disliked its usage. Many people become upset regarding the ruling of *tashab-buh* deeming it to be insignificant and of little consequence, whereas this is a valid Shar`i mas`alah.

The aqli and urfi proof for the prohibition of tashab-buh

This prohibition of *tashub-buh* is not merely a *naqli* one (i.e. proven from the Shariah), it is *aqli* (logical) as well. If a gentleman has to wear his wife's feminine shoes and come and sit at a meeting, will not he or others, at least, take offence and find it distasteful? If this distaste is not the result of his imitation of women, then what else can it be? When you find imitating a Muslim lady, who may even be elder than you, as being distasteful how then can you accept imitating the kuffaar and fujjaar? [*Al-Ifaadhaat, page 326, vol. 8*]

In a certain village a person donned a Turkish hat and sat before the court. The magistrate became annoyed and angry at him for wearing the hat of the country's enemies. He was summarily arrested. I keep saying that the mas`alah of *"He who imitates a nation..."* is an *aqli* one.[*Page 244, vol. 2*]

If in present times of war a person has to imitate the dressing or style of the enemies, how will his government take it? If *tashab-buh* was not of any consequence why would anyone take offence?

Why then is there an objection raised against the Shariah, when it prohibits the imitation of the rejecters and opposers of faith? **Nabi (sallallahu alayhi wasallam) did not consent to the usage of those words and terms which the kuffaar use.** [*Page 473, vol.4*]

The definition of tashab-buh and its recognition

The yardstick is this that wherever anything is in use and it is **established that it is attributed to the kuffaar, and its usage has a distinct relation to the kuffaar,** then this is *tashab-buh* otherwise not. [*Hasnul Azeez, page 213, vol.3*]

To recognise *tashab-buh* is that its usage amongst the common-folk makes them recognise it as being part of a certain nation. **As long as this recognition exists, it (*tashab-buh*) will be prohibited.**

If this recognition is non-existence, then the prohibition also falls away. [*Hayaatul Muslimeen, page 224*]

Both, complete and incomplete, tashab-buhs are censured and prohibited

Using a small stool as a table and eaten thereon

Tashab-buh is sometimes incomplete and sometimes complete. Both are censured, although there is a difference in their levels. One person asked that it is a custom amongst the Arabs to place their food on a stool and eat therefrom, so would eating like this also be *tashab-buh*?

The reply was that for those people this is a habit, whereas here (in India) where the stool is a replacement for the table and is similar to it, hence the *mushaabeh* is not total but in part, but this is also bad. When one reflects and ponders over the reason why this is done and what the objective is, then the answer is clear that the stool bears some resemblance to the table, so this is only a part imitation. Total imitation is avoided for fear of objections from the people.

This is just like how a man would not like to wear women's clothing, but if you tell someone to dress like a man, with turban, topi, etc., etc. and only to wear a gold or silver lace on his pants hem like the women do, and then to pacify everyone saying that this is

not imitating women because most of the dressing is a man's, only a small part is that of a woman. Will this explanation hold any water?

The stools are similar to the table and are being used in place of tables, even though the only difference between the two is the shorter feet.

The *asl* behind the initiation of the usage of stools is the respect for the food, and now the reason is the respect for the eater, that he does not have to bend down when eating, since this is regarded as below a person's dignity. This is pride. [*Hasnul Azeez, page 208, vol. 4*]

The types and rulings regarding tashab-buh

1. ***Tashab-buh* of the beliefs and acts of worship of the kuffaar is kufr, and of their customs is Haraam.** For example to hand a cross on the neck like the Christians or to tie a thread on the body like the Hindus do, is without doubt Haraam. [*Seeratul Mustafa, page 55, vol. 2*]

***Tashab-buh* of kuffaar in matters of their religion is Haraam.** To adopt and imitate the habits which are special to another religion is kufr, like hanging a cross on the neck or keeping a ponytail on the hair, etc.

2. ***Tashab-buh* in *muaasharaat* (social dealings), signs of a particular creed, etc. is Makrooh-e-Tahrimi.** For example, to don the clothing which is specific to a particular religion or creed, and which makes the wearer to be recognised as part of that group, like the hat of Christians, or the Hindu loincloth. This is totally impermissible and prohibited, since it falls under *tashab-buh*. [*Hayaatul Muslimeen, page 12*]

Note: To adopt the **speaking habit and mannerism** of the kuffaar so that one may also be counted and regarded as them (Englishmen), is also strictly forbidden and prohibited. [*Hayaatul Muslimeen*]

3. As for those things which are not specifically attached to any particular nation, religion or creed, although it is their invention; and they are such things which are general in use, **like some new weapon or some type of exercise, for which we** have no alternative, it would **be permissible** to adopt them. However, one should not pinpoint such items on one's own, take the advice of the Ulama. [*Ibid.*]

It is permissible to adopt and use the inventions and weaponry of the kuffaar, like firearms, aeroplanes, (cell-phones), etc., etc., because in reality this is not *tashab-buh*. However, the condition of use is that there must not be an intention that one wishes to imitate the kuffaar in this usage. This applies to such things for which the Muslims do not have a suitable alternative. As for those which the Muslims do have an alternative, it would be classified as *tashab-buh* to adopt the items of the kuffaar. [*Ibid.*]

4. **To imitate the way and/or mannerism of even a Muslim who may be a faasiq or bid`ati is sinful.** To fully imitate these things warrants greater sin, and to adopt it partially will still be sinful, albeit less. [*Anfaas Isa, page 39*]

The summary of the ruling of tashab-buh

To make *tashab-buh bil kuffaar* in their matters of religion is Haraam, and of the signs and peculiarities of a nation would be Makrooh-e-Tahreemi. Adoption of their other inventions and administrative matters is permissible, because in reality it is not termed *tashab-buh*. As for those things which have been initiated by the kuffaar and the Muslims have no suitable substitute for it, and it is also not a speciality of their religion, then its usage would be

permissible, for example, firearms, aeroplanes, etc. It would not be permissible to imitate the kuffaar in those things **for which the Muslims have an alternative/substitute,** as is proven from the Hadith where **Nabi (sallallahu alayhi wasallam) forbade the use of a Persian bow.**

The levels of tashab-buh

The *nusoos* is clear on the impermissibility and has sounded out grave warnings of *tashab-buh* of the people of *baatil*, especially the non-Muslims, and then the People of the Book. The words, *"He who imitates a nation is from them"* clearly echoes this warning that imitation of the kuffaar renders one part of them.

Firstly to make *tashab-buh* of them is censurable and then more specifically when this imitation is connected to their (kuffaar's) religion and beliefs, then the gravity of the sin is worse. **The Aayat, *"O you who believe! Enter into Islaam fully…"* which was revealed when Hadhrat Abdullah bin Salaam (radhiallahu anhu) abandoned the eating of camel meat, proves this.**

Even worse than this is the imitation of the kuffaar after observing them doing something. This is worse than imitation which is coincidental and unintentional. [*Bawaadirun Nawaadir, page 317*]

Tashab-buh ceases when the issue becomes vogue and a general habit (amongst the masses) – Thoughts on eating at a table and chair

Regarding the dislike and abhorrence for eating at table and chairs, there is hesitation at certain times, because this practice has become so very common and widespread, and this general pervasiveness removes an act from being *tashab-buh*. However, this practice has not become too extensive and widespread, hence there still is some

doubt and apprehension in the heart. As long as this apprehension persists, the act will still be regarded as *tashab-buh*. [*Al-Kalaamul Hasan, page 83*]

Question: There is a custom amongst the Arabs that they place little (table-like) stools before them when eating. Will this implementation here also be regarded as *tashab-buh*?

Reply: Yes, the custom over there is a habit amongst them. [*Hasnul Azeez, page 208, vol. 4*]

Is wearing a jacket in London regarded as tashab-buh?

A person asked whether the wearing of a jacket by a Muslim living in London would be regarded as *tashab-buh* or not? The reply was that this is not *tashab-buh* because over there this item is not regarded as the specific dress code of the non-Muslims. Everyone dresses the same, hence there is no distinction. **If this jacket becomes common here too, such that no importance or significance is attached to it, then the prohibition in wearing it (here) will be removed.** [*Hasanul Azeez, page 213, vol. 3*]

Recognising the elimination of tashab-buh

The recognition lies in the fact that when **the common-folk** do not anymore regard a thing as being specific to any creed/nation/religion, and this doubt is removed from the heart that the thing in question is specific to any group, like the wearing of *angar khaya achkan* (a narrow-sleeved like coat with double fold on one breast and single fold on the other). But as long as the speciality of that thing/practice remains specific to any group, it will be prohibited. For example in our country (India) the wearing of a

jacket, wearing a *dotie* (fastened loincloth worn by Sikhs), etc. would be regarded as *tashab-buh*, but even if this speciality remains no more in our society that no one regards the jacket as a speciality of any particular nation, then this prohibition will be removed. [*Hayaatul Muslimeen*]

The difference in considering time and place in the ruling of tashab-buh

A question was asked whether it will be permissible for women to have cuffs on their sleeves. The reply was that as long as it **does not bear resemblance to the style of men** it will be permissible otherwise not. [*Malfoozaat, page 75, vol. 3*]

The ruling regarding the wearing of the Sherwani (type of suit) and whether it is regarded as tashab-buh or not

A person asked whether it will be permissible to wear *sherwani* or not. The reply was that it must be seen whether this is a common garb or not. It is known that this was originally the dress of the people of Hyderabad, and the first to wear this were the people from Aligarh. Now it is regarded as the dress of the people of Aligarh. Therefore it will be *tashab-buh.* [*Hasnul Azeez, page 213, vol. 3*]

Note: Since nowadays this (*sherwani*) has become vogue, hence the ruling of *tashab-buh* will be lifted and it is now permissible without a doubt. [Compiler's comments]

To place bottles of water on the dastarkhaan (eating cloth)

A person places liquor-like bottles filled with water in his shop or *dastarkhaan*, then he is a sinner and transgressor, because he has imitated the alcoholics. [*Anfaas Isa, page 359*]

Note: In some areas it has become common practice to place water in bottles and refrigerate. At mealtimes these same bottles are placed on the *dastarkhaan*. This is very common nowadays and no significance is attached to these bottles (due to their being extremely common), hence this ruling of *tashab-buh* has been removed. And Allaah Ta`ala knows best.

Having Iftaar (breaking fast) at tables and chairs

A person asked whether *Iftaar* at table and chairs is permissible or not? He was asked, in turn, is *Iftaar* permissible with Haraam wealth? The answer and indication here was that in both instances the *Iftaar* is valid, but the vileness in both circumstances is evident. Eating at tables and chairs is prohibited due to *tashab-buh*.

A mas`alah concerning tashab-buh

The phrase, *'Will I be able to do that?'* is prohibited due to its being *tashab-buh*

The following phrases, *"Will I be able to do so and so?", Will I be able to go there?"*, etc. do not refer to one's ability to carry out the said act, rather it implies and questions the occurrence of that action. *"When the Hawariyyeen said…is your Rabb able to.."* is an Aayat wherein Allaah Ta`ala mentions the conversation between Hadhrat Isa (alaihis salaam) and his *hawariyyeen*. They requested a *dastarkhaan* from the heavens, so instead of asking for it they asked Hadhrat Isa (alaihis salaam) if Allaah Ta`ala was able to send it. From this incident we understand this to be an old mimic and jest of the Christians and it is an age-old phrase of theirs. This is a *tashab-*

buh of the irreligious people. This is the reason why I do not advise and sanction the usage of idioms, without necessity, by the Ulama. [*Ifaadaat, page 222, vol. 10*]

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Part 3

The discussion on umoom-e-balwa (when something becomes rife and common in society)

The law regarding umoom-e-balwa being of consideration

1. Nowadays there are two things from amongst the dislikeable things which have become vogue. The one is pictures and the other the consumption of spirits and alcohols. This humble writer asks: Can the ruling of *umoom-e-balwa* be considered for these things because they have become so common? **The issue of *umoom-e-balwa* cannot be considered in matters pertaining to Halaal and Haraam. It will however be considered in matters pertaining to impurities and cleanliness. And that too, when there is a difference between the *Mujtahiddeen-e-Salf* regarding a thing's being pure or impure.** [*Majaalis Hakimul Ummat*]

2. The mere interpretation of *Umoom-e-Balwa* cannot be made, otherwise, since there is great commonness in *gheebat* (then it should be rendered permissible based on this), but *umoom-e-balwa* cannot be applied there. **Only where there is a difference of opinion in a mas`alah, will *umoom-e-balwa* be applied in order to leave out one's practice.** [*Kamaalaat Ashrafiya, page 141*]

Umoom-e-balwa is applicable in those Masaa`il wherein there is a difference of opinion

**I always understood that *umoom-e-balwa* is only applicable in *Mujtahid fehe* Masaa`il.** There is a need for it in '*qiraat'*. The *Muta`akh-khireen* have confirmed this contention of mine in the mas`alah pertaining to '*qiraat'*. [*Hasnul Azeez, page 247, vol. 1*]

The proof regarding considering the masses and its limits

Nabi (sallallahu alayhi wasallam) also considered the masses, when he abandoned the idea of incorporating the Hateem into the Kaabah Shareef. However if there is a need to practice on the *asl* or the expediency is great, then the masses will not be considered, as was done in the Nikah to Hadhrat Zainub (radhiallahu anha). **My view is that if by considering the masses some harm may come to the Deen, then the masses will not be considered,** and where by not considering the masses some disquietude or anxiety will be experienced, then the masses will be considered. With regard to the incident of the Hateem, there was no harm to be afflicted on the Deen (if it was not done), whereas if the Nikah to Hadhrat Zainub (radhiallahu anha) was not undertaken, then there would have been a serious shortfall in *tableegh*, since on this occasion there was a need for practical *tableegh*. [*Kalimatul haqq, page 118*]

The maslak (way) of the Muhaqqiqeen

The way of the Muhaqqiqeen was that they would practice on the extreme and control and constrain themselves (in their personal capacity), but when it came to issuing a fatwa or opinion, **they would give one of latitude and ease** (without compromising on the Haqq, obviously), **so that the masses do not find difficulty in**

practicing the Deen. As it is mentioned in a Hadith, *"Abstain from that which you dislike, but do not make it Haraam (i.e. keep it away from) others."* [*Majaalis Hamikul Ummat, page 160*]

The precautionary path is to personally practice on the more difficult and when it comes to others, give them the easier option. [*Kalimatul Haqq, page 87*]

Umoom-e-balwa and daroorat-e-aama (general need) are not sufficient proofs

The mere concept of general need is not sufficient proof (for a ruling) as long as (the proof for) that issue does not appear in the Shariah. The interpretation of *umoom-e-balwa* is not sufficient a proof, otherwise, *gheebat* will also be included under it. [*Imdaadul fataawa, page 105, vol. 3*]

Latitude in issuing Masaa`il based on umoom-e-balwa and daroorat-e-aama and their limits

1. I had an intention to compile a treatise on the laws of transacting on such issues which the masses were involved in on a daily basis. If there was leeway granted in any Math-hab, then I would consent to its application, so that the deeds and actions of the Muslims, at least be correct in every respect. As a matter of precaution, **I consulted with Hadhrat Moulana Gangohi (rahmatullah alayh) and asked him if it would be permissible in such matters to rule according to another Math-hab?**

Hadhrat Gangohi (rahmatullah alayh) also granted permission although he was a staunch Hanafi. This latitude was granted in matters of *muaamalaat* (social dealings) and not in matters of Aqaa`id and ibaadat. There is no (foreseen) harm in this. Therefore regarding Jumuah in the village, wherein most people are

affected, there is not much latitude. However, if the precaution was with Imaam Shaafi's (rahmatullah alayh) view, then the fatwa would have been given in his favour, but the precaution is in the fatwa of Imaam Abu Hanifah (rahmatullah alayh).

If there is a difference of opinion regarding any place being a village or city, then if it were a city, and anyone performs Zuhr Salaat there, the Fardh duty will have been fulfilled, albeit with *karaahat*, but if it were a village, and Jumuah Salaat is performed there, then this Jumuah Salaat will not be valid and the responsibility of Zuhr will also not be lifted (if this 'jumuah' is performed). Therefore in such places the precautionary step will be to leave out Jumuah Salaat. Another point is that there is no need for coercion here because people are easily able to leave out Jumuah Salaat, and if Jumuah is not performed, then there will be no difficulty on the people, in fact, it will be much easier. There is no extra Athaan and no khutbah. [*Kalimatul Haqq, page 71*]

2. **Not in matters of Aqaa`id and Ibaadat, but in *muamalaat* wherein most people are involved, there is scope to issue rulings according to another Math-hab. I sometimes issue fatwas accordingly in order to remove any difficulty.** [*Ashraful Ma`moolaat, page 33*]

3. Therefore in ***mukhtalaf feehi*** Masaa`il (where there is a difference of opinion), it is better to **opt for the easier option.** In this way, firstly this will **inculcate a love** for practicing the Deen and secondly it will **create ease.** [*Anfaas Isa, page 334, vol. 2*]

Another example in considering the masses

4. A question once came that a certain Imaam Sahib was reciting Surah Faatiha in such a way that he does not stop at **اياك نستعين** and joins it to **اهدنا**. The situation rose to such a level that it became a serious issue. I wrote back that it is permissible to recite in

this fashion, but that must be done in a context where the audience understand this, otherwise such an Imaam must be removed because he is a cause for *fitnah* and does not consider the situation. [*Kalimatul Haqq, page 168*]

A few miscellaneous points regarding umoom-e-balwa and necessity

1. *Question:* If an animal's newborn dies, a **fake baby** animal is placed near the mother so that she can give milk, because without it seeing this she will not give milk. Is this permissible or not?

Answer: It is **permissible**. [*Imdaadul Fataawa, vol. 4*]

2. *Question:* An Alim has ruled that a certain clothes colouring which comes from Europe is permissible to use based on the principle of *umoom-e-balwa*, notwithstanding its having **alcohol mixed in it**. Is it correct to practice on this ruling or not?

Answer: **Since the need is urgent, it will be permissible to practice on this fatwa.** But this will only apply for that person to whom the need is pressing, and these will be the women. Men can easily avoid this. However, there is one condition attached to this concession and that is that the **alcohol used in this colouring must not be from grapes, dates or raisins.** [*Page 94, vol. 4*]

The reason being that the impermissibility of alcohol derived from these things are *mansoos*, hence *umoom-e-balwa* will not apply in such cases. And Allaah Ta`ala knows best.

I also give the fatwa of validity of Salaat (when these colourings are used), based on *umoom-e-balwa*, but I understand it to be contrary to the precaution.

3. Due to severe necessity and helplessness the view of those people who **consent to *riba* in *Daarul Harb* should be opted for.** [*Da`wat Abdiyat, page 151, vol. 19*]

4. *Question:* In order to make up some type of scripts, tortoises, earthworms, etc. are killed. Is it permissible to kill such creatures in order to cure an illness?

Answer: Since there is consideration in the Shariah for such things, hence it will be permissible. Yes, it will not be permissible to cause more pain and suffering as is necessary.

5. *Question:* What is the ruling for burning harmful animals?

Answer: If there is not other way, then this will be permissible due to necessity. If they can be killed in another way, then it will be impermissible to burn them. [*Imdaadul Fataawa, page 264, vol. 4*]

The 'ta`aamul' (general practice) which the Fuqahaa have placed consideration in …its discussion

It is stated in Noorul Anwaar: ***And the ta`ammul of the people is contiguous to Ijma*** *and is part of it. (It is part of the) Ijma of those after them, that is, the Sahaabah (radhiallahu anhum), from every era.*

It is apparent that *ta`ammul*, like *Ijma*, is not specific to any particular era. Nevertheless, whatever the principles of *Ijma* are, these must also apply to *ta`ammul*. That is, the Ulama of the era must not refute it. Similarly, the Fuqahaa have consented to many *juz`is* (secondary laws) based on *ta`ammul*. [*Imdaadul Fataawa, page 265, vol. 4*]

As it is stated in Hidaaya in the chapter on Bai`ul Faasid: The person who buys shoes on the condition that the seller matches them up, they say, it is permissible because of ta`ammul in this practice.. This then becomes like dying clothing; because of ta`ammul. We have permitted 'istisnaa`' (making up clothes and shoes to match). And regarding it in (bai`us) salam: if one makes up…because of Ijma, which is established by ta`ammul.

Therefore, based on this, the printing of kitaabs is included in *istisnaa*`. And Allaah Ta`ala knows best. [*Imdaadul Fataawa, page 32, vol. 3*]

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Part 4

The discussion on heela (make a plan (scheme) or possibly prevaricate)

The two types of heelas and their respective rulings

Heela is of two types – the one is where the objective of the Shariah is 'defeated'. For example, to make a *heela* in the distribution of Zakaat, whose actual objective is to aid and assist the poor and needy and to remove the degradation of the soul. To make a *heela* where the Zakaat is avoided, thereby defeating the Shar`i objective of Zakaat, is impermissible.

The second type of *heela* is where an objective of the Shariah is assisted and attained (more effectively), is permissible.

The dual meaning of a heela being permissible (the difference between sihat (correctness) and hillat (permissible)

There are two meanings of permissibility. One is *sihat*, that is to conform to some rule, even though there may a sin involved. For example to force a man to divorce his wife, and then to marry the woman after her *iddat* is complete. The *sihat* of the Nikah and the sin are both obvious.
The second type is *hillat*, that is, where no sin is involved. Hence, if the permissibility of these *heelas* are in the first meaning, then there is no doubt in it, but this is non-beneficial. And if it is in the second meaning, then this condition is attached to it, that the constituents of this *heela* must occur by coincidence (not planned). There should be no 'pre-planning', and there should be no force and violence, **because coercion in unnecessary acts (acts not ordered in the Shariah), are Haraam.** [*Imdaadul Fataawa, page 154, vol. 4*]

The one type of heela, proof in words and not meaning, and its conditions

Nabi (sallallahu alayhi wasallam) readied himself to perform the Janaaza Salaat of the chief *munaafiq*, Abdullah bin Ubai. Hadhrat Umar (radhiallahu anhu) recited the Aayat, *"(Whether) You seek forgiveness for them or you don't seek forgiveness for them, seventy times..."* Nabi (sallallahu alayhi wasallam) replied that he had been given the choice (by Allaah Ta`ala), and that he had opted for seeking forgiveness, and that he will seek forgiveness more than seventy times.

A doubt arises here that even a basic student of Arabic realises that the word أو which appears in the Aayat is not denoting choice, it is a sort of comparison, like, *"It is the same for them, whether you warn them or…"*This is not a choice, it shows comparison and also the

word ‘seventy’ which appears in the Aayat, is a common Arabic phrase which denotes multitude and not necessarily the amount of seventy. Why then did Nabi (sallallahu alayhi wasallam) react in this way?

Hadhrat Moulana Yaqub Sahib (rahmatullah alayh) has given the answer that owing to Nabi’s (sallallahu alayhi wasallam) excessive affection and mercy (for his Ummat), he held fast to the literal meaning of the words. He did not revert to the import and meaning of the words.
However there are two conditions for taking proof like this. One is when there is a need and another is that the actual import and meaning is not refuted. [*Al-Fasl lil Wusool, page 202-3*]

The time and place for a Shar`i heela

Heela can be applied in Ma`amalaat and not in ibaadat

In numerous impermissible issues, the Fuqahaa have ruled their permissibility, by changing their forms and gave a suitable *heela*. Nabi (sallallahu alayhi wasallam) had himself granted concession in matters of *muamalaat*, where plans and *heelas* were created, and permission was ruled. However, some people confuse the issue and think that *heela* is permitted in both *muamalaat* and *diyaanaat*, **whereas Shar`i *heela* is only permitted in *muamalaat*.** [*Majaalis, page 95*]

The laws regarding heela being correct or not

Heela is sometimes formulated to defeat the purpose and objective of the Shariah, and this is Haraam. **If it is used to assist in achieving and acquiring the objective, then it will be permissible.** If the *heela* is such that there is a fear that it may lead

the masses into *fitnah*, then also it will be Haraam. For example, in order to save people from *riba* one formulates such a *heela* which can result in people understanding it to be Halaal, will be impermissible and Haraam. [*Ibid*]

The heela of making Zakaat not obligatory and its ruling

***Heela* is not made in necessary Deeni matters.** For example, in order to save himself from giving Zakaat, a man gives his entire wealth to his wife or son just before the year end (when his Zakaat is due), and the intention is not to gift it to them rather as a scheme in order to avoid giving Zakaat. This *heela* is Haraam. The sin here is graver than not giving Zakaat without the *heela* because he is trying to avoid an obligation of Allaah Ta`ala. [*Majaalis Hakimul Ummat*]

The proof of the Hurmat of such heelas

The episode of the Bani Israeel, when they schemed a plan to avoid the Divine Decree for them not to fish on *Yawmus Sabt* has been given. They hatched a plan and began fishing on that day, which resulted in the Anger and punishment of Allaah Ta`ala. [*Ibid. page 95*]

An example of a baatil heela

In answer to a fatwa regarding a person's sending the money for qurbaani in order to assist the suffering people in Turkey, it was written that the money was not to be given on the days of *adhiya* (slaughter). It was to be given to the needy after the days of qurbaani have passed, when qurbaani is no longer valid. Upon hearing this Moulana Sahib said that this is pure drivel and a lesson in sin. The example of this is like that of *shib-e-amad* (homicide—where someone is murdered without a normal weapon of murder), where

the Fuqahaa have ruled that together with *diyat* (blood-money), *kafaara* must also be given, so now if someone wishes to feed the poor, then this advice is given to him that he go and kill someone with a stick, thereafter (as a *kaffaara*) he must feed 60 poor people. [*Da`wat Abdiyat, page 99, vol. 19*]

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Part 5

The laws regarding making ta`weel (interpretation)

The laws of interpreting the nusoos

It is accepted in *Usool aqli* and *naqli qat`i*, that if there is a conflict between *muhkam* and *zaahir,* the *zaahir* will be given a suitable interpretation and directed towards the *muhkam*. [*Imdaadul Fataawa, page 116, vol. 6*]

The definition of ta`weel

Ta`weel is only that which pertains to the *zaahir* and is to the limit of necessity. It must also be in conformity to the laws of the Shariah, otherwise it will be *tahreef* (alteration/distortion). [*Imdaadul Fataawa, page 399,vol.5*]

The proof for making ta`weel

A *ghair-muqallid* once asked what the need was to interpret the statements of Moulana Rumi and Sheerazi. Why can't a ruling be given based on their statements taken at face value? I replied that the need is derived from a Hadith. He asked which Hadith. I replied that it is stated in a Hadith that two janaazas passed by Nabi (sallallahu alayhi wasallam). The Sahaabah (radhiallahu anhum) praised the

one (deceased) and rebuked the other. Nabi (sallallahu alayhi wasallam) commented, قد وجبت (*Indeed it has been decreed).* Further the tafseer of the word وجبت was made as Jannat or Jahannum. He mentioned the reason being, *"You are the witnesses of Allaah on earth."* This much is established from the Hadith.

(Addressing this *ghair-muqallid*, Moulana says) Now you go to the Jaami Musjid, stand by the door and enquire about these two personalities (Moulana Rumi and Sheerazi). You will find that every single person will attest to their greatness. Based then on this Hadith this proves that they were Auliyaa. This is the reason why their statements require interpretation. [*Kalimatul haqq, age 31*]

The laws regarding making ta`weel of someone's speech or actions

One should observe what that person's general habits are. If his character and habits are overwhelmingly in conformity to the Sunnat, **and then due to some *haal* (a state of ecstasy) he makes some seemingly untoward remark, a suitable interpretation (*ta`weel*) is made for it.** But if his general character is contrary to the Sunnat, then no *ta`weel* needs to be made. This is the yardstick. [*Al-Ifaadhaat, page 297, vol.2*]

If a reliable person makes a statement which appears unseemly, then his statement will be interpreted to conform to some *nusoos*, and not vice versa. If it cannot be reconciled and tied up, then his statement will be rejected. [*Imdaadul Fataawa, page 391, vol. 4*]

If a *sahib-e-haal* (person in state of ecstasy) makes any claim/statement which conflicts with the Shariah, then the ultimate *husn-e-zann* (good opinion) one can have is that this statement or action can be made to comply and conform to the Shariah (by that person), and it should not be that the Shariah is made subservient to

this view or statement of the *Saahib-e-haal*. [*Bawaadirun Nawaadir, page 191*]

The reality of ta`weel and the difference between the ta`weel of the people of Haqq and the people of hawa (self-opinionated)

Ta`weel* is when there are two conflicting views and they are evaluated, whereby a suitable interpretation is found for one of them which results in the difference being removed. There is a world of difference between our *ta`weel and that of the Ulama. Our *ta`weels* are made to conform to our *nafs* (whims and fancies), whereas their *ta`weels* conform to the Qur`aan Majeed and Sunnat. The results between these two (types of *ta`weel*) are different. Our sin increases and gains momentum by our *ta`weel*, whereas they are blessed with compliance to an Aayat by theirs. **They achieve obedience in all cases, whereas we find loopholes for every type of disobedience.** Understand well the difference between the two types of *ta`weel*. [*Huqooquz zawjain, page 474*]

The reality of istidlaal (proving something) and i`tibaar (reflection/consideration) and the difference between the two

***Istidlaal* is made by understanding the literal import, implementing those methods and ways outlined and explained by the Ahle Ilm. *I`tibaar* is achieved by *tashabbuh* (comparison) and *ishaara* (indication).** The *asl* of both these methods are established from the Qur`aan Majeed. However the word *daleel* and *istidlaal* do not appear directly in the Qur`aan Majeed, in fact, it is done through indication and synonymously. In this regard, Allaah Ta`ala states in the Qur`aan Majeed, *"Say (to the non-believers), bring forth your proof (burhaan)"*, and in another Aayat, *"Say (to*

the non-believers), Is there by you any knowledge?" In these Aayaat, the words, *burhaan* and *ilm* indicate *daleel*, hence it is called *istidlaal.* Therefore, with regard to the Aayat, *"Establish Salaat"*, it will be correct to aver that Salaat has been made Fardh, whereas the word *Fardh* has not been used in this Aayat, but its indication and import is present.

As for the second method, the Qur`aan Majeed uses the word, *i`tibaar*. Allaah Ta`ala says in the Qur`aan Majeed, **فاعتبروا ياولي الابصار** *(Take lesson, o people of insight).* The incident of the banishment of the Banu Quraidha was mentioned before this, and thereafter Allaah Ta`ala tells the people of insight to take lesson, lest their actions also result in a similar fate for them. This is the meaning of *ibrat* (taking lesson), where another condition is placed before you, that you should take heed if you act in a similar fashion, your end result will be the same. [*Huqooquz zaujain, page 51*]

The yardstick of ta`weel

A person once asked that if concession is granted to apply *ta`weel*, then nobody will be liable for retribution, because there is great attitude in *ta`weel.*

The reply was that there is a yardstick by which *ta`weel* can be applied. One is that person whose outer appearance and character is one of virtue. He follows the Deen and his beliefs are intact. If such a person makes an error, then it is Waajib to make a *ta`weel*. Whereas for the person who is an open sinner and transgressor, his errors will not be made *ta`weel* of. As for those whose actions are deserving of being made ***ta`weel,*** if no suitable *ta`weel* can be made, then **silence** must be maintained and **no comment** must be made on them. Even though **it is not necessary to be a follower of** him. For example, Sheikh Muhyuddin Ibn Arabi, Baayazid (rahmatullah alayhim), etc. [*Al-Ifaadhaat, page 306, vol. 7*]

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Part 6

The discussion on showing preference (eethaar)

1. **To grant preference to the benefit of others over that of oneself is known as *eethaar*. Whether it is relating to worldly matters or such matters where proximity is not the objective.** For example, if there are two naked men and one of them is somehow blessed with the good fortune of getting some clothing, then it will not be permissible for the one who has the clothes to perform Salaat naked and give the clothes to the other.

Or if a person is standing in the first *saff* in the Musjid for Salaat and another in the second *saff*, now it will not be permissible for the person in the first *saff* to move back and give the second person his place in the first *saff*. [*Da`wat Abdiyat, page 144, vol. 5*]

The proof of the proponents of permissibility and a reply to them

Some people do practice *eethaar* (give others preference) in matters of *qurbat* (where proximity to Allaah Ta`ala is the objective). As a proof for their contention they cite the Hadith where Nabi (sallallahu alayhi wasallam) once drank some water or milk and on his right-hand side sat Hadhrat Ibn Abbaas (radhiallahu anhu) and on his left-hand side was Hadhrat Abu Bakr (radhiallahu anhu). Nabi (sallallahu alayhi wasallam) would have preferred to offer Hadhrat Abu Bakr (radhiallahu anhu) first, but he observed the etiquette of **الايمن فالايمن** (i.e. first the right side). Hadhrat Ibn Abbaas (radhiallahu anhu) commented that if it was dependant on his permission, then he would not have consented to Hadhrat Abu Bakr (radhiallahu anhu) drinking before him.

The crux of these people's proof is that if *eethaar* was not permitted in all matters, then why did Nabi (sallallahu alayhi wasallam) request Hadhrat Ibn Abbaas (radhiallahu anhu) to give preference to Hadhrat Abu Bakr (radhiallahu anhu)?

This proof of theirs will not be a valid contention because the left-over of Nabi (sallallahu alayhi wasallam), albeit full of blessings and from some angles even more virtuous than some acts of ibaadat, however it is not a *qurbat-e-maqsooda* (specific act of proximity to Allaah Ta`ala). An act of *qurbat-e-maqsooda* is that act whereupon Allaah Ta`ala had promised reward for its execution. **It is not mentioned anywhere in the Qur`aan Majeed or Hadith that one will attain Jannat if one drinks the left-over water or milk of Nabi (sallallahu alayhi wasallam). Hence it is impermissible to prefer someone else's welfare over one's own (in such matters).** [*Da`wat Abdiyat, page 144, vol. 5*]

The view of the Muhaqqiqeen regarding eethaar in qurbaat

It is stated in a fatwa that it is impermissible to give *eethaar* in matters of *qurbaat*, but the Muhaqqiqeen have replied to this by saying that this is also one form of *qurbat*, because it is granting consideration and respect to the servants of Allaah Ta`ala. They also say that this quality is found to a large extent in the inhabitants of Makkah Mukarramah. During the Hajj season they sacrifice their making *tawaaf* in consideration of the visitors who flock there, **whereas this is not Waajib upon them. It is permissible. This grants great ease for the visitors.** [*Mazeedul Majeed, page 53*]

The Muhaqqiq and the preferred view

When one observes the *Sufiya* then it is noted that they make a concerted effort to stand on the left side and leave the right side for

others. Similarly they don't flock to the first *saff*. In fact, they would rather stand in the second and third *saff* and give the first to others.

The *Sufiya* also make *eethaar* of the first *saff* in Fardh Salaat. If any pious personality is present they will usher him to the first *saff*. An objection is raised against them saying that they abandon the reward of the first *saff* which denotes an attitude of independence from reward.

The *Sufiya* reply by saying that the one reward is that of standing in the first *saff* and the other is giving preference and granting respect to the friends of Allaah Ta'ala, which is of greater merit. So although one reward is sacrificed another even greater one is achieved in lieu, so how is this independence from reward? There is also reward in this.

And then there is the Hadith of *"He who indicates to a good deed is just like the doer (in reward)"*, which means that by giving someone else the opportunity of standing in the first *saff* one is also going to be rewarded just as that person will be for standing in the first *saff*. **There will be no depravation of reward. Together with this the other reward is also added. This results in double reward.** [*At-Tableegh, page 49 and page 54*]

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Part 7

The mas`alah of making tadaakhul (interpose/interlock) in acts of Ibaadat

It is mentioned in *Durrul Mukhtaar* that the six fasts of Shawwaal may be combined with any Qadha fasts of Ramadhaan by way of *tadaakhul*. That is, if anyone has Qadha fasts of Ramadhaan, then he/she may keep these in Shawwaal

and derive benefit of both, the Qadha and six of Shawwaal. For example, after making wudhu if a person performs Fardh or Sunnat Salaat, then he will also receive the reward of *Tahiyatul Wudhu.* **However, this mas`alah on the fasts is totally incorrect and to make Qiyaas of it on the *Tahiyatul Wudhu* is *Qiyaas ma`al Faariq. Tadaakhul* can only be achieved on that occasion when the objective of the one is also achieved by performing the other.** For example, the Shar`i need for *Tahiyatul Wudhu* and *Tahiyatul Musjid* is that after performing wudhu and entering the Musjid, one must not be free of performing Salaat. This requisite is suitably fulfilled by Fardh or Sunnat Salaat. Therefore there is no need to perform the *Tahiyatul Musjid* separately. *Tadaakhul* is achieved her, although to perform them separately would be preferable.

Contrary to keeping the six fasts of Shawwaal. The reward for keeping these fasts is that one receives reward as though one had fasted for the entire year. Allaah Ta`ala has apportioned ten rewards in lied of the one act. This objective has been outlined in the Hadith Shareef, where Nabi (sallallahu alayhi wasallam) said, *"He who fasts in Ramadhaan and then follows it with six in Shawwaal, it is like he had fasted the entire year."* Further it is explained that *"The fast of the month is equal to ten months and the six days equal to two months, hence it is the whole year."* [*Daarmi*]

In another Hadith this basis is explained thus, *"He who comes with one virtue, for him is tenfold."* Hence the full month of Ramadhaan equals ten months in reward and the six days equals two months, which totals one full year. **Therefore, in order to acquire the reward of the full year, the six fasts of Shawwaal and the (Qadha) fasts of Ramadhaan have to be kept separately.** In this way, the total reward for the year will be attained, otherwise there will be a shortage. For the full reward there has to be 36 days of fasting. If the two are kept together, then this number will not be attained. **Yes, if besides Qadha of Ramadhaan, there are some other Waajib fasts and this is kept with the six fasts of Shawwaal and *tadaakhul* is made, then this may be in order.**

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Part 8

The discussion on intention

The Hadith of انما الاعمال بالنيات

The words, *"Actions are based on their intentions"* which appears in the Hadith, **is regarding acts of obedience and permissibility. This is not applicable to sins.** The objective is that in acts of obedience, if the intention is good, then it will be accepted. Similar is the case with permissible acts. If the intention is for some Deeni goodness, then it will be regarded as Deen. However for a sin, if the intention is good, it still remains a sin.

The Usooli difference regarding انما الاعمال بالنيات

The first part of this Hadith shows that any Shar`i deed which is executed without a valid intention will not be effectual. The word الاعمال (actions) used in the Hadith refers only to Shar`i acts, because Nabi (sallallahu alayhi wasallam) would not have referred to any other types of acts, since they have no bearing on the Deen, and there is no need to talk about them. Further in the Hadith, the mentioning of *hijrat* is merely in context.

The rewards of the deeds are mentioned because the execution of deeds is possible without intention also. The object of Nabi (sallallahu alayhi wasallam) was not that the existence of deeds are dependant on the intentions and that without intention deeds will not even come into existence. Firstly this is not rational and secondly

the (coming into) existence of deeds/actions is also amongst those acts which are excluded from the discussion of Shaari` (alaihis salaam) – Nabi (sallallahu alayhi wasallam).

The objective of Nabi (sallallahu alayhi wasallam) was to explain the laws and not to discuss the conditions of existence.
Thereafter Nabi (sallallahu alayhi wasallam) clearly mentions regarding *hijrat* that if the intention is not (the pleasure of) Allaah Ta`ala, then in the Shariah that migration is not worthy of any virtue or recognition. And such an act does not even reach Allaah Ta`ala. The same applies to all acts of obedience, that the intention is conditional is all of them. If there is no intention, then the act is devoid of reward. The *nusoos* is clear-cut that no action is acceptable without an intention. [*At-Tableegh, page 134, vol. 16*]

Will there be reward without intention?

If anyone gives his father or son anything without the intention of receiving any benefit, he will still be rewarded. As it is mentioned in the Hadith that if a husband places a morsel of food into his wife's mouth he will be rewarded for it, whereas no one really does this with the intention of reward. [*Ibid.*]

The research into receiving reward with and without intention

Rule: The Ahle Ilm are faced with the qualm that based on the Hadith of انما الاعمال بالنيات how can reward be hoped for actions executed without intention.

The reply to this is that without intention there can be no reward for deeds, however there is reward for unintended good acts. In this regard, there is a Hadith of Nabi (sallallahu alayhi wasallam) where he said that if a person does farming, plants a seed, etc. and if any man or animal benefits from the fruits of his efforts, then he will be

rewarded. Just look at this! What was the farmer's actual intention? In fact, this benefit derived by the animals is contrary to his actual intention and efforts. When he prevents those eating from his farm, where is his intention for feeding? If he sees any animal scavenging, he will chase it away. He is actively opposed to others benefiting therefrom. His actions actually bear testimony to the fact that this is not his intention (to benefit others), and yet he is rewarded. **The crux is that voluntary good deeds are dependant on their intention, not those good acts which become the reason for receiving reward.** [*Ifaadhaat Yawmia, page 30*]

The law regarding making an intention

In voluntary acts, an intention is only to be made in the beginning, thereafter once the act is in progress there is no need to make an intention for every constituent thereof. However the condition is that there should not be an intention to the contrary. For example if a person intends going to the bazaar, then he only needs to make an intention in the first step. If he is going to peruse some kitaabs or to speak to someone, there is no need to make the intention with every step he takes.

A Mubaah act becomes an ibaadat with a good intention, but a sin does not become permissible

A good intention will render a permissible act an act of ibaadat, but no good intention will render a sin permissible, regardless of how many countless expediencies or good reasons there may be. This rule is very clear and self-evident. For example, if a person snatches the goods and property of others with this intention that he will assist the poor and needy, then this oppression of his will never ever become permissible or justified. It is immaterial how many countless benefits there may be in his actions. [*Islaahur Rusoom, page 134 / Bawaadir, page 817, vol. 2*]

The three types of intentions when spending in the path of Allaah Ta`ala

There are three types of intentions when spending in the path of Allaah Ta`ala. **One** is for show, which is devoid of reward. The **second** is with a deficient level of sincerity, which warrants ten rewards. The Aayat, *"He who comes with one good deed, will get tenfold its like (in reward)"* applies to this low level of sincerity. The **third** is the middle and higher levels of sincerity. This type is promised rewards tenfold and more, upto seven hundred times and even higher depending on the level of sincerity. [*Bayaanul Qur`aan, page 150, vol. 1*]

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CHAPTER EIGHT

DEFINITIONS

The reality of Islaam and its definition

I am going to explain Islaam from a different angle, an angle or a manner from which few people view it. The word 'Islaam' has become so attached to the tongues, that none really pays attention or considers its import and meaning.

The literal meaning of Islaam is to submit oneself. It is also called *Tasleem* and the *Sufiya* have given it the interpretation of *Tafweez* **(hand over – all affairs to Allaah Ta`ala)**. This then is the reality of Islaam. However, nowadays the mind does not go towards this (meaning) when the word is mentioned. On many occasions in the Qur`aan Majeed the word is used in brief and on some occasions with detail. With detail means with *tafweez*.

In this regard, Allaah Ta`ala says, بلي من اسلم وجهه الي الله, in another Aayat,
... و من احسن دينا ممن اسلم وجهه and in another Aayat, **و من يسلم وجهه الي الله ...**. Here Islaam is mentioned together with the self (face) and following the creed of Hadhrat Ebrahim (alaihis salaam), and in another juncture it is stated, **و من يرغب عن ملة...**, which proves that the creed of Hadhrat Ebrahim (alaihis salaam) was also Islaam. **وجه لرب العالمين implies that matters must be entrusted to Allaah Ta'ala**, which is explained by Hadhrat Ebrahim (alaihis salaam) on one occasion, **اني وجهت وجهي للذي...**.

We realise that the tafseer of the word Islaam in the Qur`aan Majeed is *Islaam Wajh*, whose complete meaning is not Salaat and fasting, in fact the meaning of *Islaam Wajh* is *tafweez*. That is, **to entrust your entire self to Allaah Ta`ala and to incline your every action to Him, that whatever He wishes He can do and you submit to His every Desire. Salaat, fasting, etc. are all part of *tafweez*, but they are not the essence.**

If the meaning of Islaam in the Qur`aan Majeed was used in general, and it was not used with *Wajhullaah* or *Wajhun Ilallaah*, then this would have been a possibility that Islaam would be in the meaning of obedience/submission. But the meaning of obedience would not be with these conditions, in fact it would have been affirmed with the meaning of *tafweez*. [*Badaai, page 178*]

The definition of shirk and Ibaadat

Ibaadat means to present oneself before someone with utmost humility and submission. As for the definition of that *shirk* which has been warned against, *"Indeed Allaah does not forgive…"* it means to believe someone/thing (other than Allaah Ta`ala) to be worthy of worship. [*Muqalaat Hikmat, page 14*]

The definitions of shirk-e-akbar, mushrik and istiqlaal

The meaning of that *istiqlaal* which is defined as *shirk* is to believe that someone has control over his own power. The ability to use this power is given by Allaah Ta`ala, but after this ability has been bestowed by Allah Ta`ala, to believe that this person has total control over his own powers and abilities. That there is no need for Allaah Ta`ala's intervention. Even though Allaah Ta`ala has the ability to snatch away this power, until He does not, then this person's choice and power of use is his own. **To believe that his actions are not dependant on Allaah Ta'ala's Will. Those who hold such beliefs regarding the *buzrugs* are undoubtedly *kaafir* and *mushrik*. The Shariah terms such a kaafir as *kaafir* and *mushrik*. This is *shirk-e-Akbar*.** [*Al-Qowlul Jaleel, page 11*]

The definition of shirk-e-asghar

If one holds this belief regarding these *buzrugs* that they are dependent on the Divine Decree and that they are in need of the Divine Consent, **but when they desire something, then the Divine Decree complies to theirs.** Then although this seems not to be *kufr* and *shirk*, **but it is false beliefs, sin and *shirk-e-asghar*. The first stage is *shirk-e-akbar*.** [*Al-Qowlul Jaleel, page 11*]

The types of shirk

Shirk in knowledge

To hold this view regarding some sheikh or *peer* that he knows our every condition all the time, to ask about the unseen from some astrologer or clairvoyant, to take an omen from the statement of some pious person and believe in it, to call out to someone who is

far off and believe that he can hear you, to keep fast in someone's name, etc. [*Ta`leemud Deen, page 13*]

Shirk in tasarruf

To believe that someone has full control to harm or benefit, to ask someone for one's needs, children or sustenance. [*Ibid.*]

Shirk in ibaadat

To prostrate to someone, to release an animal in someone's name, to take an oath on someone's name, to make *tawaaf* around someone's home or grave, to prefer and opt for the custom or view of someone else which is contrary to Allaah Ta`ala's Law, to slaughter an animal in someone else's name, to respect another place like the Kaabah is respected. [*Ibid. page 14*]

Shirk in habits

To pierce a hole in a child's ear or nose in someone's name and to don an earring, to place a thread on the forearm in the name of someone or to wear a garland, to keep a ponytail (men), to keep names such as *Ali Bakhsh* or *Husain Bakhsh*, to regard something as untouchable, etc. [*Ibid, page 14*]

The definitions of kufr, Imaan, irtidaad, nifaaq, shirk, kitaabi and dahri

The definition of that *shirk* which deprives one of salvation and warrants an eternal abode in Jahannum is as noted in the footnote of *Sharah Maqaasid*: *"Indeed a kaafir, if he displays Imaan, then he is*

a munaafiq, if he reverts to kufr after Imaan, then he is a murtad and if he claims partnership in deity then he is a mushrik. If he follows and accepts a religion from the other religions and follows an abrogated Scripture, then he is a kitaabi. If he delves into the beginning of time and attributes everything to it, he is a dahri (atheist). If he harbours beliefs which are unanimously kufr, but he still believes in the Nubuwwat of Nabi (sallallahu alayhi wasallam), he is a zindeeq.

Kufr is the antithesis of Imaan, that is, to negate that which the Nabi (sallallahu alayhi wasallam) came with, because indeed Imaan is tasdeeq (to accept the requisites of Imaan). [*Imdaadul Fataawa, page 81, vol. 6*]

The definition of Fitnah

One must clearly remember that fear of *fitnah* denotes a life-threatening situation, that is, where one fears for one's life. As for the rest, verbal abuse, etc. is not termed as *fitnah*. This should be remembered. Nowadays it is difficult to imagine someone being assaulted and battered. [*Ifaadaat Yawmia, page 181, vol. 8*]

The definition of qurbat-e-maqsood

Qurbat-e-maqsood refers to those deeds/actions regarding which Allaah Ta`ala had assured reward and recompense. [*Da`wat Abdiyat, page 144, vol. 5*]

The definition of mahaal-e-Shar`i

*Mahaal-e-Shar`i* is an occurrence which necessitates a Shar`i falsity/inaccuracy. For example, for someone to be given prophethood after the Shariah has confirmed the *Khatam-e-Nubuwwat* (Seal of Prophethood). Also to regard as a *mahaal-e-*

Shar`i* that all the sins of all the believers will be forgiven is based on this fact that the tafseer of *maghfirat* (forgiveness) entails the condition of it being without retribution, which has no proof. [*Badaa`i, page 51]

The definition of makhaalif-e-nass

To lay claim to anything with proof or in context will not be *mukhaalif-e-nass*, **if** there is no *nass* revealed on that issue. However, to negate any matter which is established in the *nass* or to rule contrary to it, will be *mukhaalif-e-nass*. [*Ibid. page 380*]

The definition of israaf

It was asked what the limit of *israaf* would be? **The reply was that whatever conflicts with the Shar`i consent is *israaf*, even if it may be an apparently good deed.** For example, a man who has a family to support, and yet he gives his entire wealth away in charity, would be regarded as having committed *israaf*. **To be lavish in food and drink, provided there is no wastage and no Shar`i law is exceeded, would not be regarded as *israaf*.** [*Hasnul Azeez, page 66, vol. 1*]

The definition of tajassus

Tajassus would be to investigate and pry into someone's affairs when he wishes it to be concealed and secret. [*Da`wat Abdiyat, page 136, vol.19*]

The definition of rishwat

The concise and succinct definition of *rishwat* (bribery) which encompasses all its types **is to take something in exchange for an intangible item.** [*Majaalis Hakimul Ummat, page 103*]

The definition and types of Shar`i Dharoorat

The yardstick for a thing being of necessity (*dharoorat*) is that **if it is absent then some harm will result.**

Dharoorat comes about at two junctures, one is to **acquire some benefit,** whether it be Deeni or worldly, for oneself or for others, **and the other is to remove some harm.**

In order to acquire some benefit, it is not permissible to execute inappropriate and Haraam acts. For example, in order to acquire strength and potency one consumes Haraam medication, **or to use instruments of frivolity and entertainment in order to call people to a lecture gathering.**

In order to repel and ward off some harm it will be permissible, when that harm is confirmed as a valid one in the Shariah. This, in fact is a Shar`i *dharoorat*. For example, in order to treat a severe illness or disease with **Haraam medication,** when experience has shown that there is no other Halaal alternative, because without this necessity being fulfilled, treatment is not effectual. [*Bawaadirun Nawaadir, page 798*]

The generality in the definition of dharoorat

The Fardh requirement for covering the *satr* (private parts) will fall away in case of *dharoorat*. The *dharoorat* of Sunnat will supersede the *dharoorat* of a *Mubaah*, so to seek medication is only permissible, and since in this case (whilst seeking medication by the doctor) looking at touching is permissible, then for *khatna*

(circumcision) the permissibility will be more permissible. [*Imdaadul Fataawa, page 239*]

The yardstick of dharoorat and its stages

The yardstick of anything being of *dharoorat* **is that there will definitely be difficulty if that thing is not present.** As for that thing where no difficulty will be experienced by its absence, will not be regarded as a *dharoorat*. **Therefore if the intention is to satisfy and please yourself, then it will be permissible,** but if the intention is to make yourself prominent in the eyes of others, then it will be Haraam.

Dharoorat also has stages. One is where the task **will not be accomplished** without this thing's existence. This is **Waajib.** The other stage is where the work will continue, but with this thing's presence, there will be ease and if it is omitted, **the task will be accomplished albeit with difficulty. This is also permissible.** The third stage is where without it the task will not be hampered neither will there be any difficulty. However, its presence **will satisfy one's heart and conscience. This is also permissible,** on the condition that there is no harm experienced.

The fourth will be where one intends elevating one's rank and status amongst others. This is Haraam.

The stages of *dharoorat* which I have outlined is not only regarding clothing and jewellery, in fact, all the stages can be applicable to every other thing. [*At-Tableegh, Page 166, vol. 4*]

For example, if one dons beautiful and exclusive garments to appease the self or to save oneself from (an appearance of) depravity, or to honour someone else, then it will be permissible. If, for example, we were to be informed that Nabi (sallallahu alayhi wasallam) will be at a certain place, then before we present

ourselves in his presence, we will most certainly dress suitably and neatly, in honour of him. People normally present themselves in respectable attire when they are before an honourable person.

Yes, it will be Haraam to dress smartly with this intention that others may honour you or to exalt yourself before others.

In summary, clothing and other items of beauty are categorised into four groups; one is the level of necessity (*dharoorat*), the second is for comfort and the third for adornment. These three are permissible, in fact the first type is Waajib. The fourth type is for showing-off and boasting, and this is Haraam.

These stages are not specific to clothing, rather they apply to every other thing. These levels are necessity, comfort, adornment and exhibition. [*At-Tableegh, page 26*]

The definition of dharoorat

The reality of *dharoorat* is that without that thing, some harm will result. This harm refers to inconvenience, constraint and hardship. [*Imdaadul Fataawa, page 641, vol. 1*]

The definition of naskh

Qaadhi Thanaullah has explained and explicitly stated that *naskh* in the definition of the *Salf* is general in *Bayaan-e-Tafseer* and *Bayaan-e-Tabdeel*. Hence the statement of some Sahaabah (radhiallahu anhum) that an Aayat is *naasikh* of a previous Aayat, means that the tafseer of the previous has already been interpreted. It has been shown that meaning of the Aayat, **حق تقاته** (*As He deserves to be feared)*, indicates to that level of *Taqwa* which one is able to acquire. A person's *taqwa* will be to the level of his ability, which

will be included under the Aayat حق تقاته. [*Da`wat Abdiyat, page 38, vol. 12*]

The *Salf* would also refer to the explanation of an objective as *naskh*. [*Bayaanul Qur`aan, page 174, vol. 1*]

The definition and categorisation of Shar`i power (qudrat) and ability (Istitaa`at)

Understand well that there are two types of *qudrat*; one is when we intend doing an act, then we have the *qudrat* to execute it, but after its completion whatever harms may result therefrom, we have no *qudrat* to deter it, **and the second type is where we have the *qudrat* to execute the act and even to repel any harm which may result thereafter.** The first type is *istitaa`at* in the literal sense and the **second is *istitaa`at* according to the Shariah.** Understand this well.

The first *istitaa`at* is insufficient as a defence, in fact the second type of *istitaa`at* is a condition. This is clarified in the following Hadith; *"He from you who observes an evil, he should prevent it with his hand, if he does not have the ability to do this, then with his tongue and if he has no ability to do this (either), then (at least) with his heart (he should regard it as an evil)."* It is clear that *istitaa`at* with the tongue is always possible, so under what circumstances will this ability be negated? That is, if the execution of any action becomes necessary merely by having the ability to do it, and to repel any harm that may result therefrom is not a condition (for its execution), then to defend or deter it with the use of the tongue is ever possible, hence it should be Fardh, because we have the power to use our tongues. When will that occasion arise which Nabi (sallallahu alayhi wasallam) described that a person will not be able to use his tongue, therefore he has to at least consider it evil in his heart? This makes it clear that the meaning of *istitaa`at* is that together with having the ability and power over an action, **there**

should not be such a harm which results whereby there is an overwhelming certainty that it cannot be repulsed. Another condition is also this after repelling the resultant harm/evil one should not become embroiled in an even greater evil. [*Ifaadaat Ashrafiya, page 10*]

It has been reported from Hadhrat Ibn Umar (radhiallahu anhu) that he once heard Hajjaaj making a statement from the *mimbar*, which he found unpalatable. He said that he wanted to refute the statement of Hajjaaj, but then he remembered the words of Nabi (sallallahu alayhi wasallam) where he (sallallahu alaihi wasallam) advised Ibn Umar (radhiallahu anhu) **not to disgrace himself by doing or saying something which will result in a harm which cannot be contained.**

In another narration reported by Abu Umaamah (radhiallahu anhu), Nabi (sallallahu alayhi wasallam) said that **if a person observes something which he cannot and is unable to defend or speak against, then he should observe patience.** [*Ibid. Page 52*]

The definition of maskoot anhu and manhi anhu

Those things which were not required during the *khairul quroon*, and whose need only surfaced after this noble era, and the *nusoos* is not contradicted by it, then it is (referred to as) *Maskoot anhu*. But as for those things for which there always was a need, and yet the *nusoos* only instructs jihaad or patience, then this will not be *maskoot anhu*, because even though there was a need for it, the *Mutaqaddimeen* have left it out and not opted for it, hence there is *Ijma* that it should be left out, therefore it is prohibited. [*Al-Ifadaat, page 116*]

The definition and types of tar'k (preventing oneself from something)

***Tar'k* of sin is also an act of obedience.** By *tar'k* is meant that from the onset, one actively intends stopping oneself (from participating in whatever act), on condition that there is no intention of obstinacy or opposition. [*Bawaadirun Nawaadir, page 581, vol. 2*]

There are two types of *tar'k – tar'k-e-wujoodi* and *tar'k-e-`admi*. That *tar'k* (abstention) which has been made binding on man is called *tar'k-e-wujoodi*, which is done by choice and willpower. For example, if a man observes a woman and his *nafs* tells him to admire and gawk at her, **but he controls and restrains himself. This type of *tar'k* is worthy of reward.** *Tar'k-e-`adam* is that *tar'k* wherein one's choice and willpower plays no role. For example, at this moment we are not involved or engaged in thousands of sins, **but we are not rewarded for it (i.e. for not engaging in all these sins, because we are not actively refraining from them).** [*Kamaalaat Ashrafiya, page 32*]

The definition of Taqleed-e-Shaksi

Taqleed means to follow, and the reality of *taqleed-e-shakhsi* means that for every mas`alah a person only refers to one Aalim (of his preference) for a solution, and he practices on his rulings. [*Ifaadaat, page 325, vol. 6*]

The definition of Tashab-buh

To recognise whether an act is classified as *tashab-buh* is that when the masses observe this act, their minds do not immediately connect it to some group or the other. An act will be prohibited as long as it complies to this definition. For example, in India, the act of wearing an (English) jacket, tying a loincloth, etc. will be classified as *tashab-buh*.

The definition of tahreef

Tahreef means to change its (the Qur`aan Majeed) words or interpretations or both. [*Bayaanul Qur`aan, page 42, vol.1*]

The definition of Hadith-e-Mutawaatir

The following rule is stated in Usool-e-Hadith that if the chain of narrators of a Hadith are so many that it is not logically possible for all of them to be united in falsity, then the Hadith is classified as *Mutawaatir*. **There is no specific amount which is required for *tawaatur*.** In fact, its recognition is that which has been mentioned. [*Imdaadul Fataawa, page 351, vol. 5*]

The definition of giving consent with a happy heart

The reality of giving consent with a happy heart is when the opposite party has the power to veto your consent. Experience has shown that after consent is sought from the *peer*, the *mureed* does not have the power to rebuff this consent, hence this consent is not of consideration. [*Anfaas Isa, page 315*]

The definition of shuba

What is *shuba*? ***Shuba* is when a doubt is created between the actual item of comparison with some other thing.** It also has different levels. Sometimes the doubt/resemblance is great and sometimes weak. Imaam Sahib has placed consideration to the lower level of doubt in the non-execution of *hudood.* [*Malhootaat, page 72*]

The definition of gheebat (backbiting)

When the speaker has this certainty that if his exact statement were to reach the one he spoke about and the latter would not take offence, then this is not *gheebat*. The mentioning of someone who has an *islaahi* connection or if mentioned out of grief, then it is not *gheebat*. [*Bayaanul Qur`aan, page 47, vol. 11*]

Gheebat is to speak ill about someone in his absence, **such that if it were to be related to him he would be distressed** and upset. This is if the statement is the truth about him. **If the statement is false, then it would be *buhtaan* (slander).** The condition of speaking behind a person's back does not mean that it is permissible to say it (i.e. hurtful statements) in his presence, because then it would be considered *lamz* (finding fault/carping) which is also prohibited. [*Ibid.*]

The definition of zillat (disgrace)

When a person does not ask for his needs (beg) then there is no *zillat*. [*Malhoozaat, page 10*]

The definition of ishraaf-e-nafs

Ishraaf means to wait expectantly, specifically that waiting which has the effect that if the person does not get what he waited for, then he harbours ill-feelings, he becomes angry. Even the basic *ishraaf* (normal waiting, not expectantly) is censurable for the people of *tawakkul*, and for the normal people it is not. [*Bawaadir, page 75*]

The definition of dunya

Dunya actually refers to that condition which passed over mankind prior to Nubuwwat, regardless of whether it is praiseworthy or not. If it is a barrier to attaining the hereafter, then it is censurable. The

word *dunya* is mostly used in this context. **If it is not an barrier to the hereafter, then it is praiseworthy.** [*Malhozaat*]

The definition of molwi

A *molwi* is not one who is well-versed in the Arabic language, **he is well-versed in the laws of the Shariah,** otherwise Abu Jahal would have been a great *molwi.*

The definition of waardaat

If someone's gaze/mind goes onto such things without his active participation and without spontaneity such things come to his mind, which he does not regard as necessary to execute, in fact, he merely carries it out in order to clear his conscience, then such an act is not regarded as *ghuloo* (excessiveness) in Deen, in fact, *baseerat* (insight) and knowledge is another blessing (altogether). Such conditions according to the definition of *tasawwuf* would be termed *waardaat*. This person should carry out such *waardaat*. [*Al-Qowlul Jaleel, page 22*]

In contrast to *ahwaal* (conditions) there are *muqamaat* (stages), and this is desired. *Muqaamaat* in the definition of the *sufiya* are such *a`maal-e-takleefiya* (deeds which are binding) that are connected to the heart. It is as though those veiled issues which are contained in the Qur`aan Majeed and Hadith, which are called *Ilm-e-Mu`aamalah*, are defined by the *Sufiya* as *maqaam*, and these are necessary in order to gain proximity to Allaah Ta`ala. [*Da`wat Abdiyat, page 120, vol. 5*]

The definition of a Wali

I say that based on the external façade, **one may call someone a sheikh, *zaahid, aarif, aashiq* or *saalik*, but it is impermissible to**

call him a *waliullaah*, because *wilaayat*, that is, a special proximity and acceptance, **is something which is concealed (only known to Allaah Ta`ala).** This claim would be a testification of the unknown. If you wish to call anyone a *wali*, then it should be done in this way that you say, **'It appears that so and so is a *wali*'.** As for the rest and true condition, this is only known to The Knower of the unseen. [*Bawaadir, page 588*]

The definition of nafs and mujaahadah

The reality of *mujaahadh* is opposition to the *nafs*. The natural propensity of the *nafs* is towards freedom. The *haqeeqat* of the *nafs*, according to the *sufiya* is that **it is like a gem which invites towards evil.** As far as its qualities are concerned it is categorised into three types; *ammaara, lowwaama* and *mutma`inna*. [*Alkalimatul Haqq, page 107*]

The definition of karaamat

Karaamat is that act which is manifested at the hands of a true follower of Nabi (sallallahu alayhi wasallam), **which defies nature.** If the act is not contrary to the normal (i.e. not miraculous), then it is not a *karaamat*. If this person (who carries out a supernatural act) is not a follower of Nabi (sallallahu alayhi wasallam), then too it is not termed a *karaamat*, like the tricks and magic of the magicians, etc. [*Bawaadir, page 78*]

The definition of tasawwuf

Tasawwuf is **the term given to cleansing the internal self** (soul) **from filth and to embellish and adorn it with virtue,** which **gives rise to directing oneself towards Allaah Ta`ala.** [*Tajdeed Tasawwuf, page 17*]

The general and common definition of *tasawwuf* is that it is such knowledge whose execution cleanses the soul, which renders a person acceptable in the Court of Allaah Ta`ala. [*Ibid. page 13*]

The definition of khushoo and khudoo`

The general dictionary meaning of *khushoo* is *(sukoon)* peace and according to the Shariah it refers to the concord and relaxing of the limbs, whose reality and effect is self-apparent. The reality of *sukoon* of the heart is when all worries are removed. [*Page 278*]

The definition of nisbat

The dictionary meaning of *nisbat* is to attach and have a connection. The Shar`i meaning would be when the servant of Allaah Ta`ala forges a special connection with Allaah Ta'ala, by way of obedience and *thikr*, and Allaah Ta`ala has a special connection with His servant, that is, by acceptance and *ridha* (being pleased with him). [*Tajdeed Tasawwuf, page 67*]

The definition of tafweez and `ishq

`*Ishq* is amongst the necessity requisites of Imaan. The reality of `*ishq* is to make *tafweez*, where one hands himself and all his affairs to Allaah Ta'ala, that He can do as He pleases and wishes with us and we will be pleased with it whatever He decrees. This is the reality of *tafweez.* [*Tajdeed, page 136*]

The definition of tawajjuh and tasarruf

This is when some praiseworthy and excellent quality and trait is conferred and extended over to someone else, which gives rise to

some special effect being created. This is defined as *tawajjuh* and *tasarruf* according to the *Sufiya*. [*Tajdeed, page 324*]

The definition of wajd

Wajd is the condition of ecstasy and enrapture which overcomes some special people. For example, when a person has an overwhelming love and affection (for Allaah Ta`ala) or an overwhelming fear for Him. This condition does not necessarily result in screaming, shrieking and jumping, etc. the Qur`aan Majeed also refers to this condition of *wajd* in the following Aayat, *"The skins of those who fear their Rabb shiver from it..."* [*Da`wat Abdiyat, page 127, vol. 5*]

The definition of istidraaj, kashf and karaamat

Karaamat is the term given to that supernatural act which is manifested at the hands of a pious follower of Nabi (sallallahu alayhi wasallam). If the act is not of a supernatural nature and just a normal one, then this is not *karaamat*. If any supernatural act is displayed by someone who is not a follower of Nabi (sallallahu alayhi wasallam), like an astrologer, magician, etc. or if he claims to be a follower but is not a practical adherent to the Sunnat, like a *faasiq, faajir* or *ahle bid`ah,* then this is also not *karaamat*, but it is called *istidraaj*. **A *karaamat* is only that (miraculous act) which is manifested at the hands of a person with perfect *taqwa*.** [*Tajdeed, page 91*]

The definition of zuhd

Zuhd is not necessarily the total abandonment of desires, even the reduction of desires (obviously of Halaal things) is also sufficient to be termed *zuhd*. That is, a person must not be totally absorbed and preoccupied in satisfying the base desires, where the entire day

passes in thinking about cooking this and that, preparing this and that, such that one's entire day and night evolves around good food and clothes. This is nugatory of *zuhd*. If without any special effort and time-wasting some tasty dish comes one's way without any special preparation , then regard this as a special favour from Allaah Ta`ala, and offer *shukr* unto Him. [*Tajdeed, page 75*]

The definition of hirs

The meaning of *hirs* is that when it (object of desire) is not acquired then it is sought out, and the heart inclines towards it. If one has this quality then know that it is an illness. [*Hasnul Azeez, page 405, vol. 4*]

The definition of a sufi

The meaning on *sufi* in my opinion is an Aalim who practices. People who are unaware have placed many conditions to it, which is no part of this definition. [*Majaalis Hakimul Ummat, page 278*]

The definition of nafs and its categorisation

Nafs is a power which is inherent in man. This is what inclines the desire of man to things, be they good or evil. If the *nafs* inclines man mostly **towards evil** and he is not regretful about it, then it is classified as ***ammaarah*.** Although sometimes it does incline towards good also. A major inclination towards evil does not negate the good completely, because something which is in preponderance does not necessarily mean that it takes over completely.

If he begins to feel **regretful** (about this inclination towards evil) then it is called ***lawwama*.**

If the *nafs* has an overwhelming inclination **towards good**, then it is called ***mutma`inna.*** [*Imdaadul Fataawa, page 170, vol. 4*]

The definition of jazb and its categorisation

To attain and acquire the *ahwaal-e-baatina* without any effort or *mujaahadah*, is called *jazb*. This is also called *Muraadiyat*. [*Page 151, vol. 5*]

The definition of haqeeqat and ma`rifat

By reforming and correcting one's internal self, a spark and sense of purity is created in the heart, which results in the realities of existence, realities of divinity and Divine Qualities being opened up and unlocked for one. **These manifestations and revelations are termed *haqeeqat* and this disclosure and exposition is called *ma`rifat.*** This person to whom this exposition is made is called *Muhaqqiq* and *`aarif*. [*Page 165, vol. 5*]

The definition of kibr

Kibr is to regard oneself better than another owing to some Deeni or worldly accomplishment, and together with that to think low and belittle him. Therefore there are two parts to it, **one is to think oneself better and the second is to demean the next person.** This is the reality of *takabbur* which is Haraam and sinful. [*Tajdeed Tasawwuf, page 322*]

The definition of takabbur

Because of some excellence, to regard yourself better than the next man in such a way that at that time your entire attention is only towards your excellence and his mediocrity. And this though does not even cross your mind that on the whole, this person's qualities

and excellences makes him better than me. [*Imdaadul Fataawa, page 19, vol. 5*]

The definition of tawaadhu

The meaning of *tawaadhu* is that notwithstanding one's own excellent qualities and also that recognising one's accomplishments, to regard someone else better and higher than one and to deem oneself little and of small significance. Also to regard the other person at that time to have better all-round qualities than oneself. This is the reality of *tawaadhu*. **To regard oneself in reality and genuinely as a nobody.** [*Page 192, vol. 5*]

To be humble and not elevate oneself and to truly and genuinely belittle oneself.

***Tawaadhu* is not to negate and deny for oneself the bounties and excellences which Allaah Ta`ala has bestowed upon one.** In fact, the meaning of it is to recognise these qualities **but not to deem it as your own achievement, but rather as mercy and bounty from Allah Ta`ala.** [*Anfaas Isa, page 273*]

The definition of ujub

***Ujub* is only one condition short (of *kibr*).** That is, to regard oneself as being someone great and truly accomplished, without degrading the next man. [*Tajdeed Tasawwuf*]

The definition of hubbe jaah

Hubbe jaah means that just as you regard yourself as being great, you make an effort so that **others also regard you the same, and that they respect, follow and serve you.** Its purport is also *takabbur* and *ujub*. [*Page 237*]

The definition of riyakaari

Riyakaari means to use a Deeni or worldly deed to win the favour of people whereby they think highly of you. This is also spawned from *kibr* and *ujub*. [*Tajdeed Tasawwuf*]

The definition of ta`assub

The reality of *ta`assub* needs to be understood. ***Ta`assub* means to defend and protect the unjust.** [*Huqooqul Ilm, page 35*]

The definition of hayaa and sharam

The reality of *hayaa* is to **restrain the *nafs* from that which is disliked.** [*Huqooqul Ilm, page 40*]

The definition of bughd fillaah

If any person shows **enmity towards the Haqq,** hatred for the people of Haqq and displays *takabbur* then to have an **aversion** and repugnance **for such a person is Waajib** and also an act of ibaadat. This is *bughd fillaah*. [*Page 70*]

The definition of barkat

The reality of *barkat* is well-known and the dictionary meaning is 'increase'. In essence it implies the **acquisition of extra benefit.** [*Hasnul Azeez, page 134*]

The definition of jahaalat-e-yaseera

In my opinion the definition of *jahaalat-e-yaseera* is that there is no *mufdhi ilal munaaza`a* (factors which lead to dispute). [*Ibid. Page 159, vol. 4*]

The definition of ta`aam waahid

The meaning of 'two-foods' refers to that food wherein there is no interrelation. Whereas if there is an interrelation then it will be regarded as one food. For example, Allaah Ta`ala had blessed the Bani Israeel with *mann* and *salwa* which was two (separate types of) foods, but when they requested for something else, they said, *"We will never be patient upon one food..."* They referred to the two foods as 'one food'. [*Ibid. page 259, vol. 4*]

The definition of ikhlaas

The dictionary meaning of *ikhlaas* is to make pure and unadulterated. Its meaning in the Shariah is that which existed before the auspicious arrival of the Shariah. *Khaalis ghee* is that *ghee* (clarified butter) which has nothing mixed into it.

The meaning of an *lkhlaas* Ibaadat **is to render the ibaadat free of any 'anti-ibaadat' act.** That is to merge such a thing with the act of ibaadat, which is not desired by the Shariah. [*At-Tableegh, page 132, vol. 2*]

The definition of tasawwuf

***Tasawwuf* is the name given to the cleaning and reformation of the inner and outer self. [*Page 81*]**

The definition of fanaa

The objective of *fanaa* is to disconnect all futile ties and relations. That is, to extinguish any relationship you have for worldly things, and forge a relationship with only Allaah Ta`ala. It must not be that these things are rendered totally devoid of your attachment, that you completely sever ties with them and that no relationship remains, no. In fact, the love for these (worldly) things is merely overshadowed and overwhelmed (by your attachment and engrossment with Allaah Ta`ala). A person's outer and greater connection is with Allaah Ta`ala. In this regard, Allaah Ta`ala says, *"Say (to them, O Muhammad - sallallahu alaihi wasallam), if your fathers and children..."* [*Page 39, vol. 2*]

The definition of molwi and Aalim

A *molwi* is a person who is a *Moula wala*, that is, he has the knowledge of Deen, he is pious (*muttaqi*), fears Allaah Ta'ala and he also embodies excellent qualities and character. A person does not become a *molwi* by mastering the Arabic language.

An *Aalim* is one who follows the Sunnat and is pious. The *molwi* has a connection to The *Mowla* (Master-Allaah Ta`ala). He is a *Mowla wala*. So as long as he remains a *Mowla wala* he remains a *molwi*, who is worthy of being followed, and as soon as he changes from this hue, he no longer remains a *molwi*. [*At-Tableegh, page 134, vol.1*]

The definition of majzoob

A *majzoob* according to the definition of the *khawaas* (elite / Ulama) is the person who has an attraction and allurement towards Allaah Ta'ala, which is mentioned in this Aayat, *"Allaah pulls towards Him whom He pleases and guides towards Him he who*

inclines (seeks forgiveness).” The words ‘inclines’ refers to that person. Both these bounties, **being pulled and inclined, are the good fortune of the accepted ones.** As for those who are deviates, neither do they incline towards Allah Ta`ala nor are they pulled towards Him. They are rejected by Allaah Ta`ala. Shaitaan, who was accursed and rejected, did not relent nor was he pulled towards Allaah Ta'ala, hence he had gone astray. **The chosen ones, even if they err, they are cleansed and set aright.** Hence according to this definition, all the Ambiyaa (alaihimus salaam) were *majzoob*. However, according to the definition of the common people, *majzoob* refers to a madman. No Nabi was ever such, in fact, every single one of them was of the highest level of intelligence. [*Page 219, vol. 17*]

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CHAPTER NINE

DIFFERENCES

The difference between illat (cause/reason) and hikmat (underlying wisdom)

The *Illat* precedes the *hikmat*. The *illat* is intertwined and inherent in the ruling, but not with the *hikmat*, that is, if the ***hikmat*** **changes the ruling still remains the same.** The *Raasikheen fil Ilm* understand this difference well.

For example, the *illat* for severe pangs of *maut* which was experienced by Nabi (sallallahu alayhi wasallam) was his strong disposition and his strong bond with his Ummat and the *hikmat* was the perfection of his rank of *sabr* and the elevation of his stages and rank. [*Malfoozaat Kamaalaat, page 162 / Imdaadul Fataawa, page 224, vol. 4*]

The difference between jalb-e-manfa`at and daf-e-mudharrat

Harm is one thing and acquiring no benefit is another. Understand this by means of an example, assume you have a **R100** note in your pocket and someone **snatches it** away from you, now this will be a cause of **harm to you,** and on the other hand, I wish to give you R100, but someone **prevents** me from doing so, therefore this will be of **no harm to you,** but you will be **deprived** of its (the R100's) **benefit.** [*Tarbiyatus Saalik, page 19*]

The difference between taqleed and ba`it

A Shiah once asked a question which was new to me. My mind was blank for a moment, but Alhamdulillah, Allaah Ta`ala blessed me with an answer. The question was regarding the difference between *taqleed* and *ba`it*. **I replied that *taqleed* means to follow and *ba`it* refers to a pact or contract to follow.** [*Ifaadhaat, page 325, vol. 6, no. 3*]

The difference between tasarruf and karaamat

Both, intention and knowledge are necessary for *tasarruf*, whereas for *karaamat* there is no active intention, neither is knowledge a necessary factor. **People have now bundled the *tasarrufaat* of the auliyaa together with *karaamaat,* whereas they are both different.** [*Page 198, vol. 10*]

The difference between kashf and firaasat

A graduate from a famous Madrasah once asked the difference between *kashf* and *firaasat*. The reply was that **whatever**

knowledge was derived through *kashf* cannot be used a proof, but can be taken in a literal sense, whereby contentment may be derived. Contrary to *firaasat,* because this can in a sense be used as proof (for a Shar`i ruling), although *ilm-e-dhuroori* (necessary/essential knowledge) is part of it. In essence, that **knowledge which is derived from *firaasat* is a combination of *ilm-e-dhuroori* and *ilm-e-istidlaali*,** where the major part is the former and the latter is overwhelmed by it. *Firaasat* is initiated by *ilm-e-dhuroori*, thereafter in order to understand the ruling, and whether whatever we understand by it is correct or incorrect, can only be deduced by *ta`ammul* (reflection and investigation). Although that *ta`ammul* will not be of the level of *istidlaal* (proof), however it is very similar to it.

No *ta`ammul* is required for *kashf*, its validity or unsuitability is self-evident. [*Ifaadhaat, page 207-8, vol. 10/ Husnul Azeez, page 195, vol. 2*]

The difference between aql and kashf

The effectiveness and limit of the *aql* reaches to that of *kashf*. However, the difference is that the similarity and likeness of *kashf* is to that of a telephone where clear words are heard and the likeness of the *aql* is to that of a telegraph, where a small bit of *ta`ammul* is also necessary. [*Ifaadhaat, page 207, vol. 10*]

The difference between khwaab (dreams) and ilhaam

Thoughts are more apparent and have more prominence in a dream, whereas not so in *ilhaam*. However for its validity this is not sufficient, in fact, the sign of its validity is that it does not conflict with the Shariah. Also, another sign for its validity is that the person who experiences the *ilhaam* must be a person of *noor*. *Ilhaam* a type of transfiguration or manifestation of celestial illumination (*noor*),

which he understands and recognises. *Ilhaam* also exudes a cheerful and blissful sensation for him. [*Page 26, vol. 10*]

The difference between shu`bada and mu`jizah

The difference between *shu`bada* and *mu`jizah* is that a *shu`bada* is attributed to some hidden natural cause, which is not discernable by everyone. However, the experts in this science will recognise it. A *mu`jizah* is not attributed or connected to any natural cause. It is a totally unnatural and supernatural act which is categorised under and derived purely from the Power of Allaah Ta`ala. [*Da`wat Abdiyat, page 112, vol. 5*]

The difference between ta`zeem and ibaadat

**Intention and belief are both included in *ibaadat* and *ta`zeem*.** It is possible that one action can be both an ibaadat and *ta`zeem*, depending on belief and intention.

The difference between *ta`zeem* and ibaadat is when *ta`zeem* is made with a specific divine belief, or to gain proximity to Him and an act is executed which is especially for Him, then this is an ibaadat. If this condition is not present then it is mere *ta`zeem*.

If no special intention of (pleasing) Allaah Ta`ala is made, and *ta`zeem* is made, like for one's parents or Ustaad, then it will be permissible as long as no untoward excesses are made. [*Page 141, vol. 19*]

The difference between a muwah-hid and mushrik

A *mushrik* regards the means and agents as the objective which can cause benefit or harm, whereas the *muwah-hid* does not.

Although the *mushrikeen* claim that they only place the idols as a means of devotion and peace of mind, but their behaviour and activities falsify their claims. They take oaths and *nazars*, etc. on the names of their idols. They deem their idols are being effectual and causing the effects. All these actions of theirs are contrary to their claims. [*Badaa`i, page 155*]

The difference between ta`assub and tasallub

***Ta`assub* means to support and assist in the unjust and falsities,** whereas to assist the truth is a laudable quality. It is called ***tasallub fid Deen*, that is, firmness and cogency in Deen.** For example to lessen mixing in society because of the irreligiousness (which predominates society), etc. is called *tasallub* in Deen and not *ta`assub*. To incline and go towards unjust is a impermissible. [*Da`wat Abdiyat, page 126, vol. 19*]

The difference between ilm-e-ghaib and kashf

There are two meanings to *ghaib* – *haqeeqi* and *idaafi*. ***Haqeeqi* is when there is no means present in the acquisition of a knowledge. This is special to Allaah Ta`ala only.** This acquisition is impossible for the servant, both according to the Shariah and logically. ***Idaafi* is where a part of knowledge is revealed through some means and a part is hidden.** This is possible for the servant through the revelation by Allaah Ta`ala. Therefore there is a difference between the former meaning of *ghaib* and *kashf*, but insofar as the second meaning of *ghaib* there is no difference between the two.

Kashf is acquired through some concentration and even without concentration. Sometimes even with concentration it does not come. **This therefore means that it is an involuntary matter.** This is the same definition which will apply to *kashf* of the graves. [*Imdaadul Fataawa, page 144, vol. 5*]

The difference between takween, Shariah and ilm-e-Moosawi, ilm-e-Khidri

Both are different. ***Ilm-e-Khidri* is related to *takween*,** which has no relation to the Shariah and *tareeqat*. This knowledge is **lesser** in rank to that of ***wilaayat*. *Ilm-e-Moosawi*** is related to the Shariah, which encompasses **the entire Shariah and *tariqat*.** This knowledge is of a higher level than that of *wilaayat*. [*Imdaadul Fataawa, page 147, vol. 5*]

The difference between Shariah and tariqat

Shariah is the term **describing all the *ahkaam-e-takleefiya*** (laws and rules which are binding on sane Muslim adults). External and internal deeds are all included herein. According to the terminology of the *mutaqaddimeen* it **is synonymous to the term '*fiqh*'.** The definition of *fiqh* as outlined by Imaam Abu Hanifah is; *The recognition of the soul, to that which is inherent to it and binding upon it.*

Thereafter, the *muta`akh-khireen* have redefined it such that whatever pertains to **external matters** (deeds and actions, etc.) is known as *fiqh* and whatever pertains to the **spiritual sphere** (soul) is called ***tasawwuf*. The way and methods of the spiritual deeds is called *tariqat*.** [*Page 165, vol. 5*]

The difference between takabbur and hayaa

Khajlat (sense of shame, modesty, humility) is a natural disposition, which overtakes a person when an unnatural and untoward occurrence takes place. This is sometimes mistaken to be *kibr* (pride), whereas in reality it is not. The yardstick in recognising this

(whether the person is displaying humility or pride) is that when any undignified act takes place in his presence and he displays shame, similar is his attitude when great honour and dignity is displayed before him (i.e. then too he displays restraint and humility). [*Tajdeed Tasawwuf, page 133*]

The difference between jamaal, zeenat and takabbur

The difference between *jamaal* and *zeenat* is that these two are adopted in order to satisfy one's heart and as a means of displaying Allaah Ta`ala's favours upon one. One should not feel in the heart that one is deserving of it nor should the next person be belittled. When one feels deserving of this (bounties and blessings) and looks down upon others, and also when one regards oneself as being better and superior to another, then this is *kibr*, which is Haraam. [*Badaa`i, page 74*]

The difference between waqaar (dignity/honour) and takabbur

Nowadays when people shout, *"waqaar, waqaar"*, then this *waqaar* (of theirs) is nothing other than a bundle of *kibr*. They have altered the term *kibr* to *waqaar*. That which results in a little social degradation (but has no Deeni effect or is detrimental to the Deen in any way) is in actual fact humility. Those people who nowadays have bundled *waqaar* under their armpits, find it contrary to (their) *waqaar* to run with their wives (in other words to play with their wives)…If anyone makes this claim, then there is no goodness in his Imaan. The actions of Nabi (sallallahu alayhi wasallam) were never contrary to *waqaar*. [*Page 133*]

The difference between ta`weel and tah`reef

That (interpretation) which is only **to the limit of necessity and in keeping with the apparent meaning and which is in conformity with the Shar`i laws and rules, is regarded as *ta`weel* otherwise it will be *tahreef* (change/concoct).** [*Imdaadul Fataawa, page 399, vol. 5*]

The difference between zeenat and tafaakhur

The objective of ***zeenat*** is to sometimes adopt a **presentable appearance** and other times a **humble one**, so that one is demeaned by others. Both these presentations (to their limit of acceptance), are permissible. If the intention is to **elevate one's status** in the eyes of others or **to 'stand out',** then this is ***tafaakhur*** which is impermissible. [*Hasnul Azeez, page 36, vol. 4*]

The difference between takabbur and sharam

Some matters are unpalatable or offensive to one's disposition. This offensiveness has two reasons, it is either *takabbur* or contrary to one's habit. The yardstick in identifying what is *takabbur* and what is contrary to habit is that when a person is highly praised and honoured, which is contrary to the normal habit, then too he becomes shy, then that offensiveness is because it is contrary to the norm. But if it is not like this, for example, there is a person who feels ashamed to walk in the bazaar with a bundle on his head, but he does not feel ashamed to ride on an elephant, even though it is not a normal thing for him and contrary to his habit, then this is *kibr*. But if he feels ashamed in both instances, then this will be *khajlat*, and not *takabbur*. [*Page 306, vol. 4*]

The difference between mashwera and ijaazat

Mashwera is one thing and *ijaazat* is another. You have understood *ijaazat* to be *mashwera* and I give *ijaazat* generally. [*Page 367, vol. 4*]

The meaning of ***mashwera* is to advise on that which is not only harmless, but it must be beneficial also.** An example of this will be if a person asks a doctor **permission** to eat a certain food item and if the doctor sees no harm in this for the patient, then he will tell to that he may eat it. This is ***ijaazat*.**

Mashwera will be where the patient tells the doctor that he places himself at his disposal. The doctor must prescribe and administer what he deems correct. Naturally, the doctor will not prescribe something which is harmful or not beneficial. In fact he will **advise you on what is beneficial for you. You will then follow his opinion and advice,** even though it may go against your disposition. [*Hasnul Azeez, page 367, vol. 4*]

The difference between sangdili (hard-heartedness/callousness) and yaksoo`i

Sometime after some very close associates of mine passed away, I felt no grief. I once thought to myself that this is a display of callousness, but after some reflection I realised that if this was callousness, then why does my heart melt when I see an ill person. [*Page 49, vol. 4*]

The difference between speech and a promise

I repeat with emphasis that speech should not be understood as a promise. (There is a major difference between the two). [*Page 188, vol. 4*]

The difference between rasm and aadaat

Question: There is a custom amongst the Arabs that they sit at small stools and eat. Will it be *tashab-buh* if the same way was adopted here (in India)?

The reply was that the **custom (*rasm*) there was a habit (*aadat*).** That which is being adopted here is changing the table for the stool, and this stool is similar to a table. [*Page 207, vol. 4*]

The difference between Islaam and Imaan

The following difference is gauged from the *nusoos* that Islaam refers to external acts (of obedience) and Imaan refers to beliefs. Although in application and in a general sense (nowadays) the two of them are the same, because if anyone chooses and accepts Islaam as a way of life, then we call him a *mu`min*, because we do not have the knowledge of *nifaaq* (i.e. on outward appearance we cannot tell whether a person is a hypocrite or not). Divine revelation has terminated. During the era of Nabi (sallallahu alayhi wasallam) both these terms had different connotations and applications, but nowadays, since we are unable to distinguish between the two and **are unable to identify hypocrisy, we have to regard them as the same,** although there is certainly a difference between them. [*At-Tableegh, page 166, vol. 20*]

The difference between tamleek and ibaahat

The Fuqahaa have clearly stated that food remains in the possession of the owner. Hence, if the owner wishes to spit out a morsel of food, then he has the right to do so. However in the case of ownership, the person who takes (consumes) the food becomes the owner. Just like how amongst close people (family/neighbours) where food is sent to others. This is a transference of ownership. However as for the **food which is served to guests,** this does not denote ownership, this is mere *ibaahat*. Here the indication is that

the guest may eat as much as he wishes and the **rest must be returned to the host (owner).** [*Page 229, vol. 20*]

The difference between Deen and dunya and the yardstick

The yardstick in order to differentiate between the two is as follows: If any deed/action is emphasised, encouraged or ordered in the Shariah, and also reward has been promised for its execution, then this is classified as Deen. Also, if warnings have been sounded upon its abandonment and this warrants Allaah Ta`ala's displeasure, then it will be classified as Fardh or Waajib, otherwise if no such retribution exists, then it will be *Mustahab*. **If none of these mentioned above, apply to an act, then it is classified as *dunya* (worldly).** As for those laws which have been decreed regarding them (such acts), this will, under all conditions remain as Deen. [*Imdaadul Fataawa, page 256, vol. 2*]

The difference between waswasah and tama` / ashraaf

The difference between *waswasah* and *ashraaf* is that if this thought crops up that if you receie anything or don't receive, then there is no harm, then this *waswasah*. But if pain, grief and regret is experienced and the heart aches or finds it unpalatable that the people have not given anything, then this is *tama*` and *ashraaf*. [*Huqooqul Ilm, page 58*]

The difference between tajrubah and aql

***Tajrubah* is something different from *aql*.** If being experienced is also regarded as having knowledge, then an LLB graduate should also know how to sew clothing, whereas the reality is to the contrary. Even the most asinine person who can sew will be more

accomplished than an LLB graduate in tailoring, so will he be regarded as being more intelligent? None will claim this. The reality is that one is experienced (in sewing) and the other inexperienced. It is therefore established that intelligence is one thing and experience another. [*At-Tableegh, page 167, vol. 1*]

The difference between husn and Jamaal

Husn is one thing, which was found **in the** features of **Hadhrat Yusuf (alaihis salaam)**, but ***Jamaal,*** in which **Nabi (sallallahu alayhi wasallam)** supersedes all, is quite another. *Jamaal* is more superior than *husn*. **Observing *husn* will render one astounded, whilst *Jamaal* has an attraction and allurement.** This will solve the following mas`alah that Nabi (sallallahu alayhi wasallam) is regarded as *ajmal* and Hadhrat Yusuf (alaihis salaam) as *ahsan*. This will neither contradict nor oppose any *nass* nor is there any criticism therein. That is, if it is said that Hadhrat Yusuf (alaihis salaam) surpassed all in *husn* and Nabi (sallallahu alayhi wasallam) in *Jamaal*, then what harm is there in this? [*Anfaas Isa, page 632, vol. 2*]

The definitions and differences between hudood and quyood

In my opinion there is a difference between *hudood* and *quyood*, insofar as their common definitions are concerned. ***Hadd* is the ultimate and endpoint of a thing, whereas *qayd* is the exception/condition which is found in that *hadd*.** For example, there is a ***hadd* in Salaat,** where the maximum Rakaats (Fardh) **in Asr is four.** We are prohibited from performing more than this. The ***quyood*** are, for example those things **like having wudhu, facing towards *Qiblah*, etc.** [*At-Tableegh, page 194, vol. 15*]

Mufti A. H. Elias
1428 / 2007
Rabiul Awwal / April

تمت بالخير